

Plaintiffs'

Exhibit 280

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PIERCE ROBERTSON et al,)
on behalf of himself and)
others similarly)
situated,)

Plaintiff,)

VS.)

CASE NO.:

) 22-cv-22538-ALTMAN/Reid

MARK CUBAN and DALLAS)
BASKETBALL LIMITED, d/b/a)
Dallas Mavericks, et al,)

Defendants.)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
ORAL AND VIDEOTAPED DEPOSITION OF
KYLE TAPPLY
FEBRUARY 16, 2023

ORAL AND VIDEOTAPED DEPOSITION OF RYAN MACKEY,
produced as a witness at the instance of the Plaintiff and
duly sworn, was taken in the above-styled and numbered
cause on Thursday, February 16, 2023, from 9:04 a.m. to
6:26 p.m., before Kari Behan, CSR, RPR, CRR, a Texas
certified machine shorthand reporter, at the offices of
Winston & Strawn LLP, 2121 N. Pearl Street, Suite 900,
Dallas, Texas, pursuant to the Federal Rules of Civil
Procedure 30.

Job No. FLA 5681930

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PROCEEDINGS:

(Thursday, February 16, 2023, 9:04 a.m.)

THE VIDEOGRAPHER: We are on the record for the deposition of Kyle Tapply. The time is 9:04 a.m. on February 16, 2023, in the matter of Pierce Robertson, Et Al., versus Mark Cuban, Et Al., Civil Action No. 22-cv-22538 being held in the United States District Court for the Southern District of Florida.

The court reporter is Kari Behan; the videographer is Luis Acevedo; both are representatives of Veritext.

Will counsel state their appearances for the record.

MR. BOIES: Alex Boies from Boies Schiller Flexner, LLP, for the plaintiffs.

MR. COOK: Stephen Cook on behalf of the witness, Kyle Tapply. With me today is Stephen Best and Tiffany Lietz also from Brown Rudnick on behalf of the defendants and Kyle Tapply.

MR. BEST: And Rachel --

MR. ZACK: Steve -- Steve Zack from Boies for the plaintiff.

MR. BOIES: And -- and virtually --

MS. ALEXANDER: Brooke Alexander --

MR. BOIES: Yep.

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1 MS. ALEXANDER: -- also Boies Schiller.

2 MR. BOIES: And virtually we have Steve Zack
3 and Brooke Alexander from Boies Schiller Flexner, and
4 Adam Moskowitz and Joey Kaye from the Moskowitz Firm.

5 MR. LEWIS: Sekou Lewis, Dallas Mavericks,
6 General Counsel.

7 THE COURT REPORTER: Mr. Tapply, would you
8 please raise your right hand.

9 Do you solemnly swear the testimony you're
10 about to give will be the truth, the whole truth, and
11 nothing but the truth, so help you God?

12 THE WITNESS: Yes.

13 THE COURT REPORTER: Thank you.

14 EXAMINATION

15 BY MR. BOIES:

16 Q. Good morning, Kyle. Where are you from?

17 A. Denton, Texas.

18 Q. Denton, Texas.

19 How far is that from here in Downtown
20 Dallas?

21 A. About an hour.

22 Q. About an hour from Dallas.

23 Where did you go to college?

24 A. Dallas Baptist University.

25 Q. What was your first job out of college?

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1 A. I sold radio for CBS Radio.

2 Q. How long did you work at that?

3 A. A little less than a year.

4 Q. And your next job out of college after that job
5 at CBS radio, where -- where was that?

6 A. The Dallas Mavericks.

7 Q. Dallas.

8 So you've been with the Dallas Mavericks as
9 your second job out of college?

10 A. Yes.

11 Q. How long -- how long ago was that?

12 A. I've been full-time with the Mavericks for about
13 15 years and a month or two.

14 Q. So that's about 2007?

15 A. Yes.

16 Q. Yes.

17 And were you with the Dallas Mavericks when
18 they won their championship in 2011?

19 A. Yes.

20 Q. Was that a very exciting moment for you?

21 A. Yes.

22 Q. Did you get to go to any of the finals games?

23 A. Yes.

24 Q. Who were they -- who were they playing?

25 A. Miami.

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1 Q. Were they -- did you get to go to Miami to go to
2 any of those games?

3 A. Yes.

4 Q. Did you get to go to Game 6?

5 A. Yes.

6 Q. Did you get to sit with Mark Cuban?

7 A. No.

8 Q. Did you see Mark Cuban at the game in Game 6?

9 A. Yes. He was standing on the floor holding the
10 trophy.

11 Q. And -- and you were also in the stands in Miami
12 when Mark Cuban was standing on the floor holding the
13 trophy?

14 A. I was in the stands, yes.

15 Q. Did that win generate a lot of Dallas Mavericks
16 fans nationwide?

17 MR. COOK: Object to form.

18 THE WITNESS: Yes.

19 BY MR. BOIES:

20 Q. In -- in your opinion --

21 A. Yes.

22 Q. -- in your experience, have you met people from
23 lots of different places who have become Dallas Mavericks
24 fans as a result of that win in -- that championship win?

25 A. Yes.

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1 Q. Did it generate a lot of Dallas Mavericks fans in
2 Florida?

3 MR. COOK: Object to form.

4 THE WITNESS: We have fans everywhere.

5 BY MR. BOIES:

6 Q. In your experience, did that particular win,
7 beating the Miami Heat in Game 6 and LeBron James, have
8 you met people from Florida that have had specific love --
9 are MFFLs, Mavs Fans For Life, from Florida as a result of
10 -- of those games?

11 A. I have not met any MFFLs in Florida. I have
12 friends that are Magic fans and Heat fans.

13 Q. If -- okay.

14 But you -- but you don't know of anybody who
15 has become a Mav- -- a Mavs Fan For Life as a result of
16 that championship who live in Florida?

17 A. I have not met anyone in Florida who's an MFFL.

18 Q. Do you believe that there are MFFLs that live in
19 Florida?

20 MR. COOK: Object to form.

21 THE WITNESS: I'm sure there are plenty of
22 Mavs fans, just like there are plenty of Mavs fan
23 everywhere, in -- in Florida.

24 BY MR. BOIES:

25 Q. Do you know how Mark Cuban celebrated that

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1 victory on -- that Game 6 victory?

2 A. I believe he went to a club, but I wasn't there,
3 so I...

4 Q. Okay. After -- after that victory -- you've been
5 with the -- what -- what was your position at that time?

6 A. I've been in the corporate sponsorship team in
7 this -- in a sales-related role my entire full-time
8 career.

9 Q. Have you been promoted since -- since that time?

10 A. I've had two promotions.

11 Q. When were those promotions?

12 A. I don't know the exact dates.

13 Q. Approximately, when was your last promotion?

14 A. Maybe three years ago --

15 Q. What --

16 A. -- four years ago.

17 Q. What position were you promoted to?

18 A. Senior director of corporate sponsorships/sales.

19 Q. And -- and you've been in that position for three
20 or four years; is that correct?

21 A. Something like that.

22 Q. What are your responsibilities?

23 A. I help find new sponsors and bring in revenue for
24 the department.

25 Q. How do you find new sponsors?

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1 A. Wide array of new business that we see on -- on
2 -- you know, new -- new business that we see coming from
3 other sports teams doing deals, companies that come up
4 that are startups that, you know, get funding. There's a
5 wide variety of different ways to find different
6 partners/sponsors.

7 Q. Do you solicit them over the Internet?

8 A. Yes.

9 Q. Do you solicit them on Twitter?

10 A. I have done that once or twice, but that's not a
11 normal way to...

12 Q. Were you successful in -- in those solicitations?

13 A. Like, finding a contact or asking someone,
14 like -- I can't remember the specific call -- the
15 opportunity, but I don't -- and I don't remember, like, if
16 it led to a deal or anything.

17 Q. But you use all sorts of avenues and all sorts of
18 ways to find them?

19 A. Correct.

20 Q. And is one of the ways you find them through
21 agencies?

22 [REDACTED]
23 [REDACTED]

24 Q. Is there a level of scrutiny that you give, or
25 due diligence, for companies that you find on your own

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1 versus companies that come to you through an agency?

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 Q. Have you had any experience personally having a
7 company brought to you that you found -- from an agency,
8 that you found unsavory --

9 MR. COOK: Object to form.

10 THE WITNESS: Sav- --

11 BY MR. BOIES:

12 Q. -- or unreputable?

13 MR. COOK: Object to form.

14 MR. BOIES: Can you repeat? I don't
15 understand.

16 BY MR. BOIES:

17 Q. In your experience, have you had any companies
18 that have come to you from an agency that you have found
19 thereafter to be unreputable?

20 A. No.

21 Q. Have you ever decided that a company was not
22 reputable enough for a partnership or a sponsorship with
23 the Mavericks?

24 A. As it relates to an agency or just in general?

25 Q. In general.

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1 A. Yes, we have decided not to do deals with
2 companies.

3 Q. Have -- have you made those decisions, or has
4 someone else made -- sorry.

5 Have you made those decisions?

6 A. It's a collective -- it's typically a collective
7 decision.

8 Q. Is there a company that comes to mind that you
9 have declined to do because of their reputation?

10 MR. COOK: Object to form.

11 THE WITNESS: I don't recall.

12 BY MR. BOIES:

13 Q. What is -- what is your background in
14 cryptocurrency prior to this deal?

15 A. Entry-level, not -- not super sophisticated on
16 it.

17 Q. Did you own a wallet before -- do you know what a
18 "wallet" is?

19 A. Yes.

20 Q. Did you know what a wallet was before this deal?

21 A. Yes.

22 Q. Did you own a wallet prior to this deal?

23 A. I -- yes. My neighbor is a crypto fan, and he
24 had paid me in crypto just to get started.

25 Q. What did he pay you for?

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1 A. Our wives went somewhere, and -- and he was
2 paying me in crypto for the shared --

3 Q. For reimbursement?

4 A. -- costs. Yeah.

5 Q. And -- and when your neighbor suggest -- got you
6 into crypto, what -- what wallet was it?

7 A. I believe it was BlockFi.

8 Q. And, approximately, when was that?

9 A. Probably sometime in 2021, summer.

10 Q. So about six months, five months before this
11 deal?

12 A. Around then.

13 Q. Do you -- do you remember which cryptocurrency
14 you were paid in?

15 A. Bitcoin.

16 Q. Do you remember how much Bitcoin you received?

17 A. No.

18 Q. Do you remember what the value of the Bitcoin was
19 when you received it?

20 A. No. It was a small portion. Like, I received,
21 like, a very small amount --

22 Q. In -- in --

23 A. -- in Bitcoin.

24 Q. Hundredths of a Bitcoin?

25 A. Yeah.

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1 Q. Thousandths?

2 A. I don't remember -- I don't remember the amount.

3 Q. At this time, Bitcoin -- do you remember
4 approximately the price range that Bitcoin was trading at
5 in the summer of 2011 -- '21?

6 A. No. I mean, it would be a guess. It -- I mean,
7 it was, I think, around 18 or 20. I -- I could be wrong,
8 so -- it was such a small amount. It was a few hundred
9 dollars that he gave me.

10 Q. Do you remember what the Bitcoin price was in
11 October of 2021?

12 A. I don't know the exact price, but it was --

13 Q. Range?

14 A. -- 40s, 50s. It was something -- it was
15 something like that.

16 Q. High on the -- on the overall value of Bitcoin,
17 from your perspective --

18 A. I believe it was at the top --

19 Q. -- in October of 2021 --

20 MR. COOK: Wait.

21 BY MR. BOIES:

22 Q. -- it was near the top, correct?

23 A. Correct.

24 Q. How did you get involved in this deal?

25 A. I was brought into this deal by Ryan Mackey.

1 Q. When was that?

2 A. Sometime either late September or early October
3 of 2021.

4 Q. So if -- do -- do you know how the deal got
5 brought to Mr. Mackey?

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 MR. COOK: Object to form.

2 THE WITNESS: I was not involved in those
3 conversations.

4 BY MR. BOIES:

5 Q. So when -- do you often work with people at your
6 level?

7 A. Yes.

8 Q. So is Kory Nix and Clay Christopher on your level
9 professionally?

10 A. Yes.

11 Q. What -- and that is the Sen- -- and what is your
12 title?

13 A. Senior Director.

14 Q. And that -- and -- and they have that same title
15 as you?

16 A. I believe so.

17 Q. Do the three of you report to the same person?

18 A. Yes.

19 Q. Who is that?

20 A. Ryan Mackey.

21 Q. Who else do you report to?

22 A. Billy Phillips is our VP of corporate sponsorship
23 as well, but we typically report to Ryan.

24 Q. Do -- similar to you, Clay, and Kory filling the
25 same equivalent spots, do Billy and Ryan fill equivalent

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1 spots, or -- or is Ryan a head or is Ryan, sort of, more
2 of a lay- -- you know, hands-on individual?

3 MR. COOK: Object to the form.

4 THE WITNESS: I don't understand.

5 BY MR. BOIES:

6 Q. Does Ryan report to Billy?

7 A. No.

8 Q. Does Billy report to Ryan?

9 A. Yes.

10 Q. So when Billy reports to Ryan, does Billy also
11 report to Mark?

12 MR. COOK: Object to form.

13 BY MR. BOIES:

14 Q. Mark Cuban?

15 A. Yes. I don't -- he reports to Mackey. I mean --

16 Q. And does Mackey report -- who does Mackey -- who
17 does Mr. Mackey report to?

18 A. Our CEO.

19 Q. Who is your --

20 A. Well, now, we have a chief revenue officer, so he
21 would report in to Theo, and then in to our CEO,
22 Cynt Marshall.

23 Q. Does Ryan Mackey report to Mark Cuban?

24 MR. COOK: Object to form.

25 THE WITNESS: He reports to Cynt, as -- from

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1 our org chart.

2 BY MR. BOIES:

3 Q. But never to Mark Cuban?

4 MR. COOK: Object to form.

5 BY MR. BOIES:

6 Q. Does Cynt report to Mark Cuban?

7 A. Correct.

8 Q. So the -- you -- you would -- the -- the line of
9 -- sort of, the chain of command goes: Mark Cuban, Cynt,
10 Ryan, Billy, Kory, Clay, and you now?

11 A. There's -- there's a new CRO in there, but yes.

12 Q. So does the CRO come before the CEO?

13 A. No. It goes Cynt, as the CEO, and now we have a
14 chief revenue officer, who is Theo, and Ryan now reports
15 in to him.

16 Q. Is that chain of command always kept --
17 meaning -- sorry. Let me rephrase.

18 Does -- does Ryan send an e-mail to Cynt,
19 and then Cynt sends an e-mail to Mark?

20 MR. COOK: Object to the form of the
21 question.

22 THE WITNESS: On different occasions, we
23 will -- Ryan can send e-mails -- Ryan would send e-mails
24 to Cynt, and then Cynt would send e-mails to Mark, but he
25 could also e-mail Mark himself. But he reports to Cynt.

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1 BY MR. BOIES:

2 Q. Does Cynt approve everything or -- and that --
3 and -- or does Mark approve everything?

4 MR. COOK: Object to form.

5 THE WITNESS: Cynt approves a majority --
6 most of our deals if we have to get her involvement.

7 BY MR. BOIES:

8 Q. For this deal, who approved this deal?

9 A. I -- I wasn't involved in the approval, outside
10 of when Cynt had told us that the deal was going to
11 happen.

12 Q. When did Cynt tell you the deal was going to
13 happen?

14 A. I don't know the exact date. It was around the
15 -- the time that we were announcing the deal.

16 Q. So -- okay. Let's just start with some
17 documents.

18 Here's Exhibit 30.

19 (Exhibit 30 was marked for identification.)

20 BY MR. BOIES:

21 Q. Who -- who is this e-mail -- at the -- at the
22 bottom of the page, who is this e-mail from?

23 A. Ryan Mackey.

24 Q. And who is it to?

25 A. It is to Clay, myself, and Kory, and copied

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1 Billy Phillips.

2 Q. And -- and -- and is he copying Billy Phillips to
3 keep Billy abreast because you, Kory, and Clay report to
4 Billy?

5 MR. COOK: Object to the form.

6 THE WITNESS: He's -- yes, he's our VP, so
7 he would be included in conversations like this.

8 BY MR. BOIES:

9 Q. And -- and what makes this an unprecedented move?

10 MR. COOK: Object to form.

11 THE WITNESS: [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 BY MR. BOIES:

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q. When you say "category," what does -- what are
23 you referring to?

24 A. The crypto category, because it was a -- it was
25 an up-and-coming sponsor across the sports.

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1 Q. Had -- did -- did Clay and Kory have as much
2 experience in crypto as you did?

3 A. I can't speak to their experience.

4 Q. Do you know if they had a wallet at the time?

5 A. I can't recall.

6 Q. Do you have any -- did you have conversations
7 with them about cryptocurrency in the summer of 2021?

8 A. I'm sure we had conversations. I don't recall if
9 they had crypto wallets.

10 Q. Did you ever send them cryptocurrency?

11 A. No.

12 Q. Did you ever refer them to a cryptocurrency
13 exchange?

14 A. No.

15 Q. What about cryptocurrency at this time made it
16 such an attractive category for you personally?

17 A. Across the sports industry, they were spending --
18 across, you know, naming rights, deals, they were just --
19 it was a good lead because there was a lot of activity
20 across multiple crypto brands/companies.

21 Q. What other cryptocurrency brands were you
22 speaking to personally?

23 A. [REDACTED]
24 [REDACTED] who had just had a deal with [REDACTED] Those were
25 the ones I was -- I was specifically -- [REDACTED] was another

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1 one that we had talked to.

2 Q. Are those cryptocurrency exchanges?

3 A. Some of them are.

4 Q. Are they just generally related into the
5 cryptocurrency world?

6 MR. COOK: Object to form.

7 THE WITNESS: Yes.

8 BY MR. BOIES:

9 Q. Were you excited when this deal -- when -- when
10 you received this e-mail offering this unprecedented move
11 to work with Kory and Clay on this -- on this -- in this
12 space?

13 MR. COOK: Object to the form.

14 BY MR. BOIES:

15 Q. Did this -- you were excited for that, correct?

16 A. Yes.

17 Q. Do you get competitive with Kory and Clay for
18 deals?

19 MR. COOK: Object to the form.

20 THE WITNESS: We all compete, but we are a
21 family and -- and end up working with each other a lot.

22 BY MR. BOIES:

23 Q. When it says: We want -- when it says: Puts
24 three sets of eyes and ears on this deal and category, is
25 that a reference to the importance of this deal and this

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1 category to the Dallas Mavericks?

2 MR. COOK: Object to the form.

3 THE WITNESS: It was more about we knew it
4 was going to take three people to help get this part- --
5 sponsorship off the ground.

6 BY MR. BOIES:

7 Q. Why?

8 A. The size of the deal and how close it was to the
9 start of the season.

10 Q. Do -- do deal -- when do deals normally get
11 negotiated?

12 A. Every day, every month. There's -- there's no
13 specific time.

14 Q. Could this deal have started in December?

15 A. Can you --

16 Q. Would you --

17 A. -- rephrase? Like, I don't understand.

18 Q. Let's say you got -- let's -- let's say the deal
19 was not able to close in October, and they were still
20 negotiating the contract, and they were still working out
21 the details of the assets that Voyager was buying from the
22 Mavericks. Would the deal have gotten done if it was for
23 after the season, the 2021-2022 start of the season?

24 MR. COOK: Object to the form.

25 THE WITNESS: That was a long question.

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1 MR. COOK: Are you asking him to rephrase
2 the question?

3 THE WITNESS: Yes.

4 BY MR. BOIES:

5 Q. Do deals of this magnitude often close midseason?

6 A. It has happened in the past.

7 Q. May you give me an example?

8 A. We closed our jersey patch partner, 5miles, in
9 December, the year it started.

10 Q. Was that an unprecedented deal?

11 A. It was the first jersey patch.

12 Q. And so up -- so when did you have the opportunity
13 to negotiate a jersey patch beginning? Because the NBA
14 changed their rules that summer; is that correct?

15 MR. COOK: Wait. The question was compound.
16 I'm not sure which question you want him to answer.

17 BY MR. BOIES:

18 Q. The -- the second one.

19 Did the NBA change their rules that summer
20 to allow for a jersey patch the year you negotiated the
21 midterm -- the midseason?

22 A. Yes. I don't believe -- I don't recall if it was
23 that -- if it was the summer, what -- what specific time,
24 but, yes, it was during the summer prior to that season.

25 Q. Do you remember which team got the first jersey

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1 patch sponsorship agreement?

2 A. I believe it was the 76ers with SeatGeek.

3 Q. Do you know what year that was?

4 A. Do not.

5 Q. Do you know what year that your midseason
6 sponsorship agreement was created for the jersey patch?

7 A. 2017-18 is a guess.

8 Q. So closing this -- this Voyager deal, there --
9 there was a time impetus to get it done before the season;
10 is that correct?

11 MR. COOK: Object to the form.

12 THE WITNESS: I don't -- I don't believe
13 there was a time. It was mandatory to get it done.

14 BY MR. BOIES:

15 Q. Was it mandatory to get a contract signed before
16 the press release?

17 MR. COOK: Object to form.

18 THE WITNESS: It was not mandatory.

19 BY MR. BOIES:

20 Q. Was it -- is it normal for there to be a press
21 release before a contract is done?

22 A. It is -- it has happened before where we
23 delivered some of the marketing before a contract is
24 finalized.

25 Q. What are your obligations to your partner or

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1 sponsor?

2 A. Sponsor.

3 Q. What are your obligations to your sponsor before
4 a contract is finalized?

5 MR. COOK: Object to the form.

6 THE WITNESS: I don't understand.

7 BY MR. BOIES:

8 Q. For -- for the Mavericks -- speaking for -- on
9 behalf of the Mavericks -- and I understand you're an
10 employee -- the prior to executing a contract, do you have
11 any obligations to a sponsor?

12 MR. COOK: Object to form.

13 THE WITNESS: Can you elaborate on what -- I
14 don't -- I don't know what you're asking. What
15 obligations would you be -- are you asking about?

16 BY MR. BOIES:

17 Q. Do you have to provide them tickets to games?

18 A. There are no obligations that we have to provide.

19 Q. Before a con- -- would -- when you think about
20 obligations in a contract, do you think about assets that
21 are -- that the Mavericks have that have been promised to
22 a sponsor?

23 MR. COOK: Object to form.

24 THE WITNESS: As it relates to what's in
25 their contract?

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1 BY MR. BOIES:

2 Q. As it relates to their deal. So when you're
3 negotiating a deal, you put the assets that you are
4 offering to your sponsor in the deal, correct?

5 A. Correct.

6 Q. And in this deal, what were some of the assets
7 that were in the deal?

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 BY MR. BOIES:

16 Q. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 MR. COOK: Object to form.

20 THE WITNESS: [REDACTED]

21 BY MR. BOIES:

22 Q. Do you know what date the contract was executed
23 in this Voyager deal?

24 A. I don't know the specific date.

25 Q. Do you know who would?

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1 A. Ryan Mackey.

2 Q. Do you know what date this deal became official,
3 in your mind?

4 A. It was around the 28th or 29th.

5 Q. October 28th, was that the beginning of the Mavs
6 2021-2022 season?

7 A. I would have to look at a calendar.

8 Q. Do you know if they started their game -- their
9 season that year on the road or at home?

10 A. That was a year ago, more than a year ago.

11 Q. Do you remember how the Mavericks performed last
12 year?

13 A. We ended up in the Western Conference finals.

14 Q. Who did they lose to?

15 A. Golden State.

16 Q. Who -- in the playoffs, who did they beat?

17 A. Phoenix.

18 Q. Who else did they beat?

19 A. First round -- I should know this.

20 (Speaking sotto voce.) I -- I would have to
21 --

22 Q. Was it the Utah Jazz?

23 A. Yes, Utah. Thank you. I should know that.

24 Q. On October 28th, was there a halftime promotion?

25 MR. COOK: Object to form.

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1 THE WITNESS: There was -- was there a
2 halftime promotion?

3 BY MR. BOIES:

4 Q. Yes. Was there a halftime promotion on
5 October 28th --

6 A. For --

7 Q. -- 2021?

8 A. For Voyager?

9 Q. For the -- for the Mavs -- yes, for the -- let me
10 re- -- let me just restart.

11 On October 28th, was there a halftime
12 promotion for the Dallas Mavericks?

13 A. We have a halftime promotion every game.

14 Q. Do you remember the halftime promotion from
15 October 28th, 2021?

16 MR. COOK: Object to form.

17 THE WITNESS: I don't.

18 BY MR. BOIES:

19 Q. Do you remember if there was a halftime promotion
20 on October 28th, 2021, for Voyager?

21 A. I don't remember if it was a halftime promotion
22 or if it was a quarter-break promotion.

23 Q. When would a hundred-thousand-dollar shot
24 promotion take place?

25 MR. COOK: Object to form.

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1 BY MR. BOIES:

2 Q. At halftime or during a quarter break?

3 A. It could happen during both; I just don't know
4 which one it was.

5 Q. Generally -- generally, in your experience --

6 A. It would typically happen during a quarter break,
7 unless we needed more time to do the halftime, but I -- I
8 don't recall which one it -- which break it was in.

9 Q. Do you know how long it takes for the half-court
10 shot promotion to -- to -- to take place? Do you know --
11 do you know the internal mechanism -- what -- what does
12 the shooter have to do to win the \$100,000?

13 MR. COOK: Object to form.

14 THE WITNESS: I believe he had to hit the
15 shots in 30 seconds.

16 BY MR. BOIES:

17 Q. After hitting the shots in -- the -- the layup,
18 the free throw, and three-pointer --

19 A. Yes.

20 Q. -- in 30 seconds --

21 A. Yes.

22 Q. -- is that correct?

23 A. I believe so.

24 Q. And then he had to hit a half-court shot?

25 A. He had to hit them all together, correct.

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1 Q. Did he have to hit the half-court shot in the --
2 in the same 30 seconds?

3 A. Yes.

4 Q. Were you present at this promotion?

5 A. Yes.

6 Q. Where were you sitting?

7 A. I don't recall.

8 Q. Did you Tweet about this promotion?

9 A. I don't recall.

10 Q. Did you re-Tweet this promotion?

11 A. I don't recall.

12 Q. Have you ever Tweeted at very famous people about
13 this promotion?

14 MR. COOK: Object to form.

15 THE WITNESS: I don't recall.

16 BY MR. BOIES:

17 Q. Have you ever Tweeted at Elon Musk?

18 A. I don't believe so.

19 Q. Have you ever Tweeted at Michael Saylor?

20 A. No.

21 Q. Have you ever Tweeted at Darrell Rovell?

22 A. Yes.

23 Q. Do you know who Darrell Rovell is?

24 A. I believe you're saying -- is it Darren Rovell?

25 Q. Darren Rovell.

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1 A. I do know he's a sports person.

2 Q. Does he have a million of followers?

3 MR. COOK: Object to form.

4 THE WITNESS: I don't know how many
5 followers he has.

6 BY MR. BOIES:

7 Q. Have you ever re-Tweeted Mark Cuban?

8 A. Yes.

9 Q. Do you know who Michael Saylor is?

10 A. He's a Bitcoin guy.

11 Q. And -- and you didn't Tweet at Michael Saylor
12 saying that: We need more Bitcoin following this
13 promotion?

14 A. I don't believe so. I don't recall.

15 Q. When you first heard about -- when you first got
16 the e-mail in front of you from Ryan Mackey, what -- what
17 was the date on that e-mail?

18 A. 9/15/2021.

19 Q. Do you know if other e-mails came in around
20 that -- shortly thereafter, sort of getting you up to
21 speed on this Voyager deal?

22 A. Were there --

23 Q. Were there other e-mails related to the Voyager
24 deal that came in shortly after this e-mail?

25 MR. COOK: Object to form.

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1 THE WITNESS: I assume, yes, that we would
2 have e-mails to bring us up to speed on what -- the deal
3 points.

4 MR. BOIES: Exhibit 31.

5 (Exhibit 31 was marked for identification.)

6 BY MR. BOIES:

7 Q. Do you remember receiving this e-mail?

8 A. (Witness examines document.)

9 I don't remember this specific e-mail, but
10 it looks like an e-mail that Billy sent to us about
11 updating us on what Voyager was.

12 Q. Had -- had you heard of Voyager before -- before
13 this?

14 A. I don't believe so.

15 Q. You -- you had said that you had a BlockFi
16 wallet --

17 A. Right.

18 Q. -- sometime in the summer.

19 Did you get any other wallets at the time?

20 A. Not at that time.

21 Q. Have you gotten any wallets since that time?

22 A. I have a Coinbase wallet.

23 Q. Do -- do you have any wallets that are
24 noncustodial?

25 A. No.

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1 Q. Do you know what I mean by that?

2 A. I have -- I only have three wallets: Voyager,
3 BlockFi, and Coin- -- Coinbase.

4 Q. And when you hold cryptocurrency, you either are
5 the holder of it --

6 A. Right.

7 Q. -- or someone else is the --

8 A. Correct.

9 Q. -- custodian of it, and you have put your trust
10 in that custodian?

11 A. Correct.

12 MR. COOK: Object to form.

13 BY MR. BOIES:

14 Q. Is that correct? Does that reflect your
15 understanding of -- of what a wallet is?

16 A. Correct.

17 Q. And in your circumstance, all -- your three
18 wallets are custodial wallets --

19 A. My -- It's not a self-custodial wallet, correct.

20 Q. And you know -- and -- and you understand what
21 that means?

22 A. Yes.

23 Q. Did you understand what that meant in October --
24 in September of 2021?

25 A. I have -- I was probably educated on that

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1 afterwards.

2 Q. Have -- have you heard the term "not your keys"?

3 A. Yes.

4 Q. Do you know how that ends, that --

5 MR. COOK: Object to form.

6 BY MR. BOIES:

7 Q. -- that phrase ends --

8 A. I do not.

9 Q. -- "not your keys"?

10 On this -- on this page -- on this document,
11 the second page, at the -- at the top of the page, do you
12 see that it says, "VGX is the key"?

13 A. I can read that, yes.

14 Q. What is VGX?

15 A. VGX is their -- their token.

16 Q. The -- the e-mail that Billy Phillips forwarded
17 to you, that that -- do you think of that as an
18 advertisement, sort of -- for Voyager, the -- the -- the
19 body of the -- of the e-mail that is from Voyager to
20 Billy Phillips, subject: Gronk + VGX, does it get any
21 better? Do you think of that as an advertisement?

22 MR. COOK: Object to form.

23 THE WITNESS: It looks like it's an e-mail
24 with information to learn about their product.

25 BY MR. BOIES:

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1 Q. And when learning about their product, is that --
2 is that advertising their product?

3 MR. COOK: Object to form.

4 THE WITNESS: It -- yeah, it looks like an
5 ad in some respect, yes.

6 BY MR. BOIES:

7 Q. And what is their product?

8 A. They have -- they're a crypto exchange.

9 Q. Is VGX their product?

10 MR. COOK: Object to form.

11 THE WITNESS: It's a -- I believe it's a
12 token.

13 BY MR. BOIES:

14 Q. Is -- is having an account with Voyager their
15 product?

16 MR. COOK: Object to form.

17 THE WITNESS: I don't understand. "Having
18 an account"?

19 BY MR. BOIES:

20 Q. Is having an -- if you sign up for an account
21 with Voyager, have you bought a Voyager product?

22 A. No. If you're just having an account, you're
23 just signing up for an account. You don't have to put
24 money in or -- or do any trades.

25 Q. If you put money in, have you bought a product?

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1 MR. COOK: Object to form.

2 THE WITNESS: If you put money in, doesn't
3 nec- -- it doesn't mean that you've made a trade.

4 BY MR. BOIES:

5 Q. What does it mean to you to make a trade?

6 A. To buy a -- some sort of cryptocurrency, like
7 Bitcoin.

8 Q. Could you buy a stable coin on Voyager?

9 A. I --

10 Q. Do you know what a stable coin is?

11 A. No. I --

12 Q. Have you ever heard the term "stable coin"?

13 A. I've heard the term "stable coin," but I don't
14 know if I can tell you the exact definition.

15 Q. Do you know if a stable coin differs from a
16 native token?

17 A. I don't know the difference.

18 Q. Is VGX a stable coin?

19 A. I don't know.

20 Q. Is VGX the native token of Voyager?

21 A. That would sound correct, but I don't know.

22 Q. On that -- on that second page, the second line,
23 "with 7 percent staking rewards," what does that mean?

24 A. "With 7 percent staking rewards"?

25 Q. Yeah. What does that mean?

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1 MR. COOK: Object to form.

2 THE WITNESS: Staking is a -- is a -- it's a
3 percentage of money that you get back, like an interest.

4 BY MR. BOIES:

5 Q. Like an interest payment?

6 A. Yes.

7 Q. Like if I put my money into a bank, it grew
8 through an interest rate, that is similar to the 7 percent
9 staking rewards that you're receiving as advertised here?

10 MR. COOK: Object to form.

11 THE WITNESS: I -- I don't know that -- if
12 that's exactly what you're saying. It's -- reading it,
13 "with 7 percent staking rewards, crypto-backed on a trades
14 and more," I can read that, but I don't necessarily -- I
15 -- I don't know the difference between staking and -- what
16 was -- can you say that question again?

17 BY MR. BOIES:

18 Q. An interest --

19 A. Yeah. I believe --

20 Q. Stak- -- staking on Voyager, is that -- do you
21 put that as equivalent, in your mind, as an interest rate
22 from a bank?

23 MR. COOK: Object to form.

24 THE WITNESS: Earning -- earning interest.

25 BY MR. BOIES:

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1 Q. You think of those two as the same?

2 A. Yes.

3 Q. Do you know what stake -- do you know what
4 staking as it relates to Ethereum is?

5 A. No.

6 Q. Do you know what staking as it relates to Bitcoin
7 is?

8 A. Staking is -- is a form of holding your money is
9 how I -- how I understand it.

10 Q. Have you ever heard the terms "proof of work" as
11 it relates to Bitcoin?

12 A. I have heard the phase. I don't know if I can
13 tell you the full meaning of it.

14 Q. Have you heard the phrase "proof of stake" as it
15 relates to Ethereum?

16 A. I don't. I could not tell you what that means.

17 Q. Have you ever held Ethereum?

18 A. I don't believe so.

19 Q. Do you know what Ethereum is?

20 A. Yes.

21 Q. Did you hold any other kinds of cryptocurrency
22 other than Bitcoin?

23 A. I had several different tokens.

24 Q. Which ones?

25 A. I can't -- I don't know all of them.

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1 Q. Did you have VGX?

2 A. I did have VGX.

3 Q. Did you buy VGX?

4 A. On the app?

5 Q. With your own money, yes?

6 A. Yes.

7 Q. Did you receive VGX as a result of this deal from
8 Voyager?

9 A. Did I re- --

10 MR. BEST: Object to form.

11 THE WITNESS: I don't -- can you ask that
12 again?

13 BY MR. BOIES:

14 Q. As part of your -- as part of this deal, did you
15 receive any VGX into your Voyager wallet?

16 A. I did not receive any VGX from Voyager outside of
17 what money I had put into it from, like, the -- the --
18 when you -- whenever you have money in it, I believe, they
19 give us a certain amount of VGX back, but they never --
20 the Voyager company team never gave me any compensation in
21 VGX, if that's what you were saying.

22 Q. When you signed up for Voyager, did you use a
23 Voyager code --

24 A. I used --

25 Q. -- a promo code?

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1 A. I used a referral code from my neighbor.

2 Q. When you signed up for Voyager, you used a
3 referral code from your neighbor?

4 A. Yeah.

5 Q. The same neighbor that referred you to BlockFi?

6 A. Yes.

7 Q. He had multiple --

8 A. Wallets.

9 Q. -- custodial wallets with multiple --

10 A. Yes.

11 MR. COOK: Object to form.

12 BY MR. BOIES:

13 Q. -- exchanges?

14 When did he sign up for Voyager?

15 A. I don't know.

16 MR. COOK: Object to form.

17 BY MR. BOIES:

18 Q. When did he speak to you -- when did he refer you
19 to Voyager?

20 A. I don't recall.

21 Q. Was that done through your Dallas Mavericks
22 e-mail?

23 MR. COOK: Object to form.

24 THE WITNESS: I -- is my main account
25 underneath -- no.

1 BY MR. BOIES:

2 Q. You -- when you sign up for Voyager and you give
3 an e-mail account, do you give your Dallas Mavericks
4 e-mail account?

5 A. No.

6 Q. What e-mail account do you -- did you give?

7 A. My personal e-mail.

8 Q. When your neighbor sent you a referral code, did
9 he send that to your personal e-mail?

10 A. The referral code?

11 Q. Yes.

12 A. I don't recall.

13 Q. How much did you have in Voyager?

14 MR. COOK: Object to the form.

15 MR. BEST: I'm going to object to form.

16 MR. COOK: I don't know what the conceivable
17 relevance would be to that question.

18 MR. BEST: I will tell you this on record:
19 I'm happy to share -- we are going to go into this in
20 detail. As long as it's a quid pro quo and you sat- --
21 you all satisfy your obligations of giving me everything
22 that Pierce Robertson had in his multiple crypto accounts,
23 which I haven't gotten to date and which has been refused
24 to me by your colleagues. So we're going to play this
25 both ways, I'm happy to have you ask all these questions

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1 with an understanding: I get everything about Pierce
2 Robertson's account, which have not been given to me,
3 which have been refused to me.

4 MR. BOIES: Well, that just got refused to
5 me, so let's go quid pro -- quid pro quo.

6 MR. BEST: So we're going to go quid pro quo
7 -- and Adam, while you're listening here, I just want you
8 to know, within 24, 48 hours, I want all of Pierce
9 Robertson's crypto account information. Do you want to
10 take a break and discuss this?

11 MR. MOSKOWITZ: Yeah. Why don't we do that.

12 MR. BEST: All right. Thank you.

13 THE VIDEOGRAPHER: Off the record,
14 10:00 a.m.

15 (Brief recess taken.)

16 THE VIDEOGRAPHER: We're on the record. The
17 time is 10:09.

18 MR. COOK: I'm withdrawing my previous
19 objection, and Mr. Best is withdrawing his objection as
20 well.

21 MR. BEST: Can you read back the question?

22 BY MR. BOIES:

23 Q. How much did you have in Voyager?

24 A. I -- the end-of-the-year statement, I lost [REDACTED]

25 [REDACTED]

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1 Q. Of -- of that, how much was tied into VGX?

2 A. I don't know the exact percentage, but most of my
3 money was Bitcoin.

4 Q. Do you know what the value of Bitcoin was at the
5 time the year-end statement was given?

6 A. I don't.

7 Q. I'll give you Exhibit 4. And for -- for the
8 exhibits that I have -- I'm referencing that have already
9 been submitted, I'm not going to share. I'm only going to
10 share the new exhibits.

11 This -- this was a pretty -- pretty big deal
12 for -- for the Mavericks; is that correct?

13 MR. COOK: Object to form.

14 BY MR. BOIES:

15 Q. The Voy- -- is the -- the Voyager deal was a
16 pretty big deal for the Mavericks; is that correct?

17 MR. COOK: Object to form.

18 THE WITNESS: It -- it was a new deal, yes.

19 BY MR. BOIES:

20 Q. Do you know how big -- in relation to other deals
21 the Mavericks were doing, how this ranked compared to
22 them?

23 A. It was in our Top 10.

24 Q. Was it in the Top 5?

25 A. Potentially.

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10 Q. And they -- they -- and you know that they are
11 paying more than [REDACTED] a year to the Mavericks for
12 their sponsorship -- partnership?

13 A. It was around the same money. [REDACTED]
14 [REDACTED] but we -- it's in the same ballpark.

15 Q. Was there the same amount of fluff built into
16 that deal as the Voyager deal?

17 MR. COOK: Object to form.

18 THE WITNESS: I can't speak to that deal; I
19 didn't work on it.

20 BY MR. BOIES:

21 Q. In the middle of this page, from Ryan Mackey to
22 you, Clay, Billy and -- and Kory was cc'd, but I assume he
23 was -- the intended -- the four of you were the intended.

24 Was Billy going to receive the -- does --
25 does he get -- when it says in -- do you see where it

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1 says: But if this all goes to -- planned, each of you
2 will be paid on close to [REDACTED] per year? What -- is
3 that re- -- what is that referring to?

4 A. The commission being split between the three --
5 three of us: Kory, Clay, and myself.

6 Q. And how does that commission get calculated?

7 A. It's a standard rate.

8 Q. What is the rate?

9 A. [REDACTED]

10 Q. So this deal would lead you to -- lead you,
11 individually, to receive [REDACTED] as a result?

12 A. Approximately.

13 Q. Were you excited about this deal?

14 MR. COOK: Object to the form.

15 THE WITNESS: We're excited about bringing
16 in all new partners.

17 BY MR. BOIES:

18 Q. Did this deal make you more excited than bringing
19 in a smaller deal?

20 MR. COOK: Object to form.

21 THE WITNESS: It's -- their -- the size of
22 it was bigger, so yes.

23 BY MR. BOIES:

24 Q. What are "shortbread biscuit cookies"?

25 A. Is that in this?

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1 Q. Yes. It's on the second page.

2 A. (Witness examines document.)

3 Bringing the -- Billy -- Billy looks like he
4 was making a joke. I don't know the reference.

5 Q. Do you know what that could mean?

6 MR. COOK: Object to form.

7 THE WITNESS: I don't.

8 BY MR. BOIES:

9 Q. Do you remember receiving it?

10 MR. COOK: What, the cookies or the e-mail?

11 BY MR. BOIES:

12 Q. The e-mail. Do you remember receiving --

13 A. I'd rather have the cookies.

14 Q. Did you receive the -- did you bring -- did you
15 bring shortbread biscuit cookies to the office?

16 A. No. Billy is older and makes jokes like this.

17 Q. Would you say you have a -- a light off- --
18 office atmosphere?

19 MR. COOK: Object to form.

20 BY MR. BOIES:

21 Q. Do you joke in the office often with -- with one
22 another?

23 A. We've been working together for a long time, so
24 we have a good rapport.

25 Q. I, personally, have heard Mark say that he

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1 doesn't like to trade players because he doesn't like to
2 lose a part of his family.

3 Do you -- do you feel like the Mavericks are
4 run in a way that keeps players and keeps personnel
5 grounded?

6 A. I can't speak to Mark.

7 MR. COOK: Wait. Object to form.

8 Go ahead.

9 BY MR. BOIES:

10 Q. Do you -- do you feel -- do you -- in your
11 experience, in your own experience, do the Mavericks keep
12 personnel around for a long time?

13 A. Yes.

14 Q. Do they fire people often?

15 A. I -- that's not something I --

16 MR. BEST: Object to form.

17 THE WITNESS: Yeah. I don't -- I don't
18 know.

19 BY MR. BOIES:

20 Q. Have -- have you watched Mark fire people off the
21 cuff?

22 MR. BEST: Object to form.

23 THE WITNESS: No. Mark is rarely in the --
24 in the office.

25 BY MR. BOIES:

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1 Q. Does Mark come to all the basketball games --

2 MR. COOK: Object- --

3 BY MR. BOIES:

4 Q. -- all home games?

5 MR. COOK: Object to form.

6 THE WITNESS: Most of them.

7 BY MR. BOIES:

8 Q. Where is your office located?

9 A. 1333 North Stemmons Freeway.

10 Q. How far is that from the American Airlines arena?

11 A. Across the highway.

12 Q. Do most Mavs personnel who work in the office
13 with you go to the home games?

14 A. I can't speak to everybody, but I go to most of
15 them.

16 Q. Is that -- one of the perks of the job is to --
17 to be able to go to the games?

18 A. I --

19 Q. When you were taking it as -- right out of
20 college, did you really like that aspect of the job?

21 A. Going to the games?

22 Q. Going to the games.

23 A. Yes.

24 Q. When you are negotiating deals, the title that
25 you give the deal, do you call -- a prospective sponsor,

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1 when you're first making contact with them, do you ever
2 call them a customer?

3 MR. COOK: Object to form.

4 THE WITNESS: Do you mean the -- what we
5 typically call them as a -- we use -- we can use "client,
6 customer, partner" -- all -- "sponsor;" all of those are
7 common.

8 BY MR. BOIES:

9 Q. All of them are common.

10 But -- but when you're first making an
11 introduction to -- through, let's say, Excel. [REDACTED]

12 [REDACTED] -- let's call it [REDACTED] --
13 would you -- on that first call, how would you -- how
14 would you talk about the potential sponsorship --

15 MR. COOK: Object to form.

16 BY MR. BOIES:

17 Q. -- with that potential client, generally?

18 MR. COOK: Object to form.

19 THE WITNESS: I don't understand.

20 BY MR. BOIES:

21 Q. When you -- do you cold-call companies?

22 A. Yes.

23 Q. When you cold-call companies and you introduce
24 yourself as a member of the -- of the Mavericks team, do
25 you -- how do you address your potential --

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1 A. Sponsor?

2 Q. -- sponsor?

3 A. We address them in many different forms.

4 Q. Initially, do you ever call them a "partner"?

5 A. It's a common vernacular to use "partner"

6 interchangeably with "sponsor" --

7 Q. When a poten- --

8 A. -- and "customer" and "client."

9 Q. When a -- when a potential client comes in, do
10 they think of themselves as customers coming in to -- to
11 peruse a store and buy a product?

12 MR. COOK: Object to form.

13 THE WITNESS: They -- do they -- what do you
14 mean when they come in?

15 BY MR. BOIES:

16 Q. When they -- when you -- do they come into your
17 office to make the -- to close these deals?

18 A. Not always.

19 Q. When -- when you speak to them on the phone or
20 they come into your office to close a deal, does -- does
21 that -- do they ever come into your office to close a
22 deal?

23 A. In the 15 years that I've been working there, it
24 has happened before, but it's not, you know, mandatory.

25 Q. And increasingly rare since the COVID --

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1 A. Right.

2 Q. -- 19 virus?

3 Now, most of your deals get done over the
4 phone, over the Internet?

5 A. (Witness nods head affirmatively.)

6 Q. When you're addressing people --

7 MR. COOK: Wait, wait. I'm sorry. You need
8 to answer audibly for the record. Sorry.

9 THE WITNESS: Yes, they happen over the --
10 the phone and/or Teams call or Zoom video.

11 BY MR. BOIES:

12 Q. And -- and when you're making e-mail -- when
13 you're trading back and forth a sponsorship agreement --

14 A. Yep.

15 Q. -- do you use the word "partner" interchangeably
16 with "sponsor"?

17 A. Yes.

18 Q. In the client's -- in -- in your experience, in
19 the client's mind, do you imprint partnership as the same
20 thing as sponsorship in -- in that client's mind?

21 MR. COOK: Object to the form.

22 THE WITNESS: I can't speak to a client's
23 mind.

24 BY MR. BOIES:

25 Q. Do you think, from a client's perspective -- in

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1 your own personal experience, from a client's perspective,
2 there's any difference between partnership and
3 sponsorship?

4 MR. COOK: Object to the form.

5 THE WITNESS: Do I think there's a
6 difference --

7 BY MR. BOIES:

8 Q. Yeah.

9 A. -- between partner and sponsorship?

10 Q. Yeah. Internally, we've established that
11 "partnership" and "sponsorship" get used interchangeably;
12 is that correct?

13 A. Correct.

14 Q. In a client's mind, externally, do -- when you're
15 working with a client, do they think of "sponsorship" and
16 "partnership" as interchangeable?

17 MR. COOK: Object to the form.

18 THE WITNESS: I can't speak to what the
19 client's intent is on using either of those.

20 BY MR. BOIES:

21 Q. No, not -- not intent. How -- are you in sales?

22 A. Yes.

23 Q. Do you ever make assumptions about what your
24 sales targets are feeling?

25 MR. COOK: Object to form.

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1 THE WITNESS: I don't -- I don't understand.
2 What they're feeling, like, emotionally?

3 BY MR. BOIES:

4 Q. Yes.

5 MR. COOK: Object to form.

6 THE WITNESS: I'm hoping that they are happy
7 to be working with us.

8 BY MR. BOIES:

9 Q. Would giving them tickets make them feel good?

10 MR. COOK: Object to form.

11 THE WITNESS: Bringing them out to the game
12 is something that we do as a -- as a normal business
13 practice.

14 BY MR. BOIES:

15 Q. And when you're -- when you're at the game with
16 them and you're in small talk, do you ever refer to them
17 as "my customer"?

18 A. I don't -- I mean, we would call -- we would use
19 all forms of the ones I was saying: "sponsor,"
20 "customer," "partner."

21 Q. So you're -- so, hypothetically, you're out at a
22 game and -- and you're with an important client and you
23 introduce them. Are you going to introduce them as "my
24 partner"? "My sponsor"? "My client?" Which -- which
25 word would you most often use?

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1 MR. COOK: Object to form.

2 THE WITNESS: I would use all of them.

3 MR. BOIES: This is premarked Exhibit 32.

4 (Exhibit 32 was marked for identification.)

5 THE WITNESS: I don't know if I have the
6 right thing (indicating).

7 MR. BOIES: Yeah. I don't know if I have
8 the right thing either.

9 BY MR. BOIES:

10 Q. Do you -- do you remember the "Voyager Notes
11 Final Proposal.docx" that is referenced in this e-mail?

12 A. "Voyager Notes Final Proposal..."

13 This was something that Sarah put together.
14 I don't -- I can't speak to -- to this exact document, no.

15 Q. Did you receive this document?

16 A. It says: Ryan Mackey has shared this OneDrive
17 business file with you. So I am -- I assume that I have
18 received this, but I can't speak to what document this is.

19 Q. In the subject line, what is -- what is the --
20 what does the subject line say there?

21 A. "Confidential Partnership."

22 Q. And that is referring to the partnership between
23 the Mavericks and Voyager; is that correct?

24 MR. COOK: Object to form.

25 THE WITNESS: It could also say the same as

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1 confidential sponsorship.

2 BY MR. BOIES:

3 Q. It -- it could, but does it?

4 A. Not in this case. But, again, "sponsorship" and
5 "partnerships" are common vernacular for us.

6 Q. Do you think that it ever has the impact on the
7 mind of a client of yours that a partnership is more
8 valuable than a sponsorship?

9 MR. COOK: Object to the form.

10 THE WITNESS: I believe they're the same.

11 BY MR. BOIES:

12 Q. In all cases, a partner and a sponsor are the
13 same?

14 MR. COOK: Object to form.

15 THE WITNESS: I -- I -- we use them
16 interchangeably, yes.

17 BY MR. BOIES:

18 Q. Do you have any friends that are partners at a
19 law firm?

20 A. Yes.

21 Q. Do you have any friends that are sponsors at a
22 law firm?

23 A. Those are two completely different industries.

24 Q. Absolutely.

25 And -- and in -- in your mind, would those

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1 -- in a totally different industry, would sponsor and
2 partner have the same meaning?

3 MR. COOK: Object to the form.

4 THE WITNESS: I can't speak to my friends
5 that are partners versus what they would think of a
6 sponsorship, as a sponsor.

7 BY MR. BOIES:

8 Q. But you're in sales, so one of the things you do
9 is you consider how people would feel when they are --
10 when they are being approached, correct?

11 MR. COOK: Object to form.

12 BY MR. BOIES:

13 Q. In all different industries, because you work
14 with partners in all different industries; is that
15 correct?

16 MR. COOK: Wait. I'm sorry. He didn't
17 answer the first question.

18 MR. BOIES: Oh.

19 MR. COOK: So I'm not sure which one you --

20 MR. BOIES: I'm sorry. I -- I --

21 THE WITNESS: The same answer: We -- it's
22 a -- we use these interchangeably, "sponsorship" and
23 "partnership."

24 BY MR. BOIES:

25 Q. Do you work with sponsors in many different

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1 industries?

2 A. Yes.

3 Q. Do you adapt your vernacular to the industries
4 that you're working with?

5 A. Do you have an example?

6 Q. Crypto is an industry, correct?

7 A. Yes.

8 Q. "Not your keys" is a crypto term, correct?

9 A. I've heard it before. I don't know the meaning.

10 Q. "Pulling the rug out" is a crypto term, correct?

11 A. I've heard it.

12 Q. Those terms might not mean the same in other
13 industries, correct?

14 A. Correct.

15 Q. Would -- when you're working in crypto, might you
16 use words that are crypto terms --

17 A. Yes.

18 Q. -- that might not mean anything to the basketball
19 industry?

20 MR. COOK: Object to form.

21 THE WITNESS: We would use phrases, yes.

22 BY MR. BOIES:

23 Q. And you will adapt your phrases to the industries
24 that you're working with?

25 MR. COOK: Object to form.

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1 THE WITNESS: I would have to see a specific
2 example.

3 BY MR. BOIES:

4 Q. Do you remember the Mark's car idea?

5 A. Yes.

6 Q. Whose idea was that?

7 A. That was mine.

8 Q. Why didn't you choose Ford?

9 MR. BEST: Objection, form.

10 THE WITNESS: Because Mark drive -- drives a
11 Lexus.

12 BY MR. BOIES:

13 Q. Mark has one car?

14 A. Well, he's -- he has driven a Lexus.

15 Q. What kind of car does Mark drive?

16 MR. BEST: Objection, form.

17 THE WITNESS: I don't know exactly what car
18 he drives.

19 BY MR. BOIES:

20 Q. Have you hear- -- have you heard of the Ford
21 Maverick?

22 A. Yes.

23 MR. BEST: Objection, form.

24 BY MR. BOIES:

25 Q. Would that be -- does that invoke the Dallas

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1 Mavericks to you?

2 MR. COOK: Object to form.

3 MR. BEST: Objection, form.

4 THE WITNESS: Say that question again. Are
5 you saying a play on words?

6 BY MR. BOIES:

7 Q. Does -- does -- yes. Does a pun -- do you use
8 puns in -- in any of your selling of assets?

9 MR. COOK: Object to form.

10 THE WITNESS: Yes. Selling of assets, I
11 mean, we use them as -- as you're saying, phrases?

12 BY MR. BOIES:

13 Q. Phrases.

14 A. Yeah, I mean, we use -- yes, we use phrases.
15 Like, I don't know if we use them for sales purposes.

16 Q. When you put a promotion on to win a car, who
17 buys the car?

18 MR. COOK: Object to form.

19 THE WITNESS: We would -- we would use money
20 from the sponsorship agreement, but that never happened.
21 It was just an idea.

22 BY MR. BOIES:

23 Q. Nobody had a chance to win Mark's car?

24 A. No.

25 Q. Does Mark drive an entry-level Lexus?

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1 MR. COOK: Object to form.

2 THE WITNESS: I don't know what car he
3 drives.

4 BY MR. BOIES:

5 Q. In your experience, do billionaires drive
6 entry-level vehicles?

7 MR. COOK: Object to form.

8 THE WITNESS: I know that he has driven a
9 Lexus. I don't know what exact car or model he drives.

10 BY MR. BOIES:

11 Q. Is Lexus a sponsor of the Dallas Mavericks?

12 A. Yes.

13 Q. Did you get any pushback about the value of
14 Mark's car?

15 MR. COOK: Object to the form.

16 THE WITNESS: The -- the Mark --

17 BY MR. BOIES:

18 Q. [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED]
25 [REDACTED]

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1 BY MR. BOIES:

2 Q. Did -- did Billy send you an e-mail about --
3 about that specific idea?

4 A. I don't recall. You'd have to help --

5 MR. BOIES: This is Exhibit 33.

6 (Exhibit 33 was marked for identification.)

7 BY MR. BOIES:

8 Q. Did you receive this e-mail from Ryan Mackey?

9 A. Yes.

10 Q. Who would have put this into a DIGIDECK of the
11 lis- -- listed recipients on this e-mail?

12 MR. COOK: Object to form.

13 THE WITNESS: On this, it would have been --
14 Sarah would have helped.

15 BY MR. BOIES:

16 Q. Who would have built the deal sheet?

17 A. We collectively did it, Clay, Kory, and myself.

18 Q. Do you put together deal sheets?

19 A. We do.

20 Q. Is that something your senior director of
21 partnerships does?

22 A. It's not specific to our title. It's everyone
23 that's a salesperson.

24 Q. And on page 2, this -- the -- the [REDACTED]
25 [REDACTED] this -- this was your

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1 idea?

2 A. Yes.

3 Q. And I'll point you back to the beginning. This
4 is on Thursday, September 16th at 10:05 p.m., so that's
5 really 4- -- 4:00 p.m. Central Time.

6 You've only been working on this deal for a
7 day, is that correct, at that point?

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 A. No.

16 Q. It was a new idea that you had?

17 A. It was a new idea that never went anywhere.

18 Q. It never went anywhere.

19 Was one of the reasons why it didn't go
20 anywhere the discrepancy in -- [REDACTED]

21 [REDACTED]

22 MR. COOK: Object to form.

23 THE WITNESS: Our job is to create
24 outlandish ideas and figure out which ones can be created
25 and then put into the deal. This -- this was an

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1 outlandish idea that never went anywhere.

2 MR. BOIES: This is Exhibit 102.

3 (Exhibit 102 was marked for identification.)

4 BY MR. BOIES:

5 Q. Was -- was this about when you had that idea?

6 A. Uh-huh.

7 MR. BOIES: Exhibit 34.

8 (Exhibit 34 was marked for identification.)

9 BY MR. BOIES:

10 Q. And you see the e-mail that -- maybe go to the
11 second page -- Billy is responding to -- to you at the top
12 of the second page. For example -- may I point you to the
13 middle of the paragraph where it starts: For example, are
14 we...

15 MR. COOK: Alex, would you mind sitting
16 down.

17 MR. BOIES: Oh, man, am I making you
18 nervous?

19 MR. COOK: You might make the witness
20 nervous.

21 MR. BOIES: I apologize. I'm --

22 THE WITNESS: Back hurting?

23 MR. BOIES: No, I'm fine. I stand often.

24 BY MR. BOIES:

25 Q. Do you see, for example: Are we prepared to

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1 present the solar idea?

2 What's the "solar idea"?

3 A. Let me read it real quick.

4 Q. Sure.

5 A. (Witness examines document.)

6 I don't remember what the solar idea was --

7 oh, no, I do. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED] le

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 A. Yes.

20 Q. What did Billy mean by that?

21 MR. COOK: Object to the form.

22 THE WITNESS: I can't tell you what Billy
23 was thinking.

24 BY MR. BOIES:

25 Q. Would it -- it's addressed to you. How did you

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1 interpret it?

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Q. So -- so some ideas are too big to be real?

16 A. Yes.

17 Q. And so some ideas are not real?

18 A. Correct.

19 Q. Is it safe to say that some assets are not real?

20 MR. COOK: Object to form.

21 THE WITNESS: That's a vague statement. I

22 don't know that.

23 BY MR. BOIES:

24 Q. So are -- an idea is an asset, correct?

25 A. An idea could turn into something that we could

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1 put into a proposal.

2 Q. And in the proposal, once the idea is written
3 into the proposal, it is no longer just an idea; it has
4 morphed into an asset?

5 MR. COOK: Object to form.

6 THE WITNESS: Potentially.

7 BY MR. BOIES:

8 Q. And once the idea -- do you ever put ideas into
9 proposals that are unfathomable?

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED] [REDACTED]
14 [REDACTED]

15 Q. Did you respond to this e-mail from Billy?

16 A. I -- I don't know.

17 Q. I'll bring you back to the first page. And it
18 appears that you responded 34 minutes later.

19 And do you see the third paragraph on --

20 A. Ahh.

21 Q. -- of your response?

22 A. What's the question?

23 Q. Well, the question was: Do you see it?

24 A. Yes.

25 Q. But when you came up with this idea, did you have

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1 in your mind what kind of car Mark drove?

2 MR. COOK: Object to the form.

3 THE WITNESS: I believe that they announced
4 this [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 BY MR. BOIES:

9 Q. And, in your mind, if a fan wanted to win Mark's
10 car, do you think that fan would be disappointed if, when
11 he won that car, he received an entry-level vehicle?

12 MR. COOK: Object to form.

13 THE WITNESS: That has no meaning to --
14 that's irrelevant; it never came to fruition.

15 BY MR. BOIES:

16 Q. When you're putting together these assets, do you
17 think about the effect that they will have on the -- the
18 potential fan?

19 MR. COOK: Object to form.

20 THE WITNESS: [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 BY MR. BOIES:

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1 Q. Would you have given away a \$45,000 car?

2 MR. COOK: Object to form.

3 THE WITNESS: I don't know.

4 BY MR. BOIES:

5 Q. Did you think it was possible that the Mavericks
6 were willing to spend \$45,000 on a car promotion?

7 MR. COOK: Object to form.

8 THE WITNESS: [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 BY MR. BOIES:

13 Q. When working with Voyager, did you look for any
14 other cross-promotional opportunities?

15 A. I don't recall.

16 Q. When you are working with any customer of yours,
17 do you look for efficiencies by using multiple partners in
18 the same promotion?

19 A. That is a standard, yes, that we would -- if it
20 benefits one, it could benefit another.

21 Q. When it benefits one and it could benefit
22 another, do you give them discounts on the assets that
23 they are buying?

24 MR. COOK: Object to form.

25 BY MR. BOIES:

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1 Q. "They" being your customers?

2 MR. COOK: Same objection.

3 THE WITNESS: Can you rephrase that?

4 BY MR. BOIES:

5 Q. Sure.

6 When doing a cross-promotional -- when doing
7 a cross-promotion, meaning promoting more than one partner
8 at the same time, do you give each partner a discount on
9 the assets that they are buying?

10 MR. COOK: Object to form.

11 THE WITNESS: That scenario has not played
12 out.

13 BY MR. BOIES:

14 Q. [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 MR. COOK: Object to form.

20 THE WITNESS: [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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[REDACTED]

MR. COOK: Alex, at a convenient time, can we take a break?

MR. BOIES: Absolutely. Give me two more minutes; I have just one little thing.

MR. COOK: Sure.

MR. BOIES: What document do you have?

THE WITNESS: 34.

BY MR. BOIES:

Q. May you go to the second-to-last page of that document?

A. Of 34?

Q. Of 34.

In this deal, what is Voyager -- did you see this list when -- did you -- did you see this list on September 17th at 11:55 a.m. GMT time? Did -- did you look through this entire e-mail when you received it, the bottom parts of it, specifically the September 10th e-mail from Erika Szychowski -- I might be pronouncing that wrong -- to Ryan Mackey?

A. What was the question?

Q. Would you have paid attention to that -- that even though it was at the bottom of the e-mail?

A. I don't recall.

Q. Do -- do you see it now -- do you see it now?

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1 MR. COOK: I'm sorry. See what?

2 BY MR. BOIES:

3 Q. Do you see the second-to-last -- do you see
4 Erika's e-mail to Ryan on September 10th at 3:07 p.m.? Do
5 you see that e-mail?

6 A. Yes.

7 Q. Do you see in the body of that e-mail, on the
8 next page, what Voyager is seeking?

9 A. The -- the bullet points from below that?

10 Q. Yeah, the bullet points from below that.

11 A. Yes.

12 Q. Is this what Voyager was seeking from the deal
13 with the Mavericks?

14 MR. COOK: Object to form.

15 THE WITNESS: These are some of the
16 components that were their marketing priorities.

17 BY MR. BOIES:

18 Q. And the sixth bullet point down, starting with
19 "[REDACTED]," what does that -- what does that
20 bullet say?

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 Q. I --

2 MR. BOIES: Will you read back the question?

3 BY MR. BOIES:

4 Q. Did Voyager in this deal get the use of Mark?

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 MR. COOK: Object to the form.

17 THE WITNESS: [REDACTED]

18 BY MR. BOIES:

19 Q. Is there anything like what they are asking for
20 in -- in Bullet Point 6 in the contract?

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. Did she get any usage of Mark Cuban during the

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1 Voyager launch -- Voyager/Mavericks partnership launch?

2 MR. COOK: Object to form.

3 THE WITNESS: [REDACTED]

4 BY MR. BOIES:

5 Q. [REDACTED], but did he
6 participate in the Voyager/Mavericks launch?

7 A. Mark introduced the partnership at the press
8 conference.

9 Q. So he was present at the press conference?

10 A. Correct. He -- he announced the sponsorship
11 deal.

12 Q. Did he -- is that all he did that day was just
13 come in and announce it and then go home?

14 A. No.

15 MR. COOK: Object to form.

16 BY MR. BOIES:

17 Q. What else did he do?

18 MR. COOK: You mean at the press conference?

19 BY MR. BOIES:

20 Q. At the -- at the press conference on
21 October 27th, 2021, what did Mark Cuban do?

22 A. Have you watched the press conference?

23 MR. COOK: You just have to answer his
24 question.

25 MR. BOIES: Yes.

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1 THE WITNESS: Okay. So --

2 BY MR. BOIES:

3 Q. Yeah.

4 A. -- the -- the primary role of the press
5 conference was to announce the partnership and share with
6 our fans that it was based off of creating educational
7 opportunities and helping us educate our fans on what the
8 crypto industry was. That was the primary -- one of the
9 primary goals of the sponsorship.

10 Q. Were there educational discussions between Steve
11 and Mark and player representatives?

12 MR. COOK: Object to the form.

13 THE WITNESS: I was not involved in any of
14 those conversations, so I don't know.

15 BY MR. BOIES:

16 Q. Were you there on the -- at the press conference?

17 A. At -- sorry. You're asking about the press
18 conference?

19 Q. Were -- were you present at the press conference?

20 A. Yes.

21 Q. Did you watch the press conference?

22 A. Yes.

23 Q. Did Steve and Mark and player representatives
24 have discussions about cryptocurrency at the press
25 conference?

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1 A. Yes. They had educational dialogue. The players
2 were -- is that what you're asking?

3 Q. Yeah. Yes. I -- I am -- I am asking about the
4 educational discussions between Mark, Steve Ehrlich,
5 player representatives of the Mavericks, at the 10/27 --

6 A. Yes.

7 Q. -- press conference.

8 A. The players and Mark both spoke on educational
9 topics for the announcement.

10 Q. Did -- and -- and you'll see here that on
11 September 17th -- or, actually, on September 10th, Erika,
12 from Voyager, asked for that -- asked for that type of
13 involvement --

14 MR. COOK: Object to form.

15 BY MR. BOIES:

16 Q. -- correct?

17 And that type of involvement was given
18 on October 27th, correct?

19 MR. COOK: Wait. So he didn't answer your
20 first question.

21 MR. BOIES: I know. I know. I always get
22 distracted.

23 THE WITNESS: The --

24 MR. COOK: Wait.

25 THE WITNESS: Can you ask --

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1 MR. BOIES: Let's -- we're going to
2 rephrase -- we're going to rephrase, but I have to sign
3 back in to see what I said. And now I can't remember my
4 password.

5 MS. WOLKINSON: Do you want to take a little
6 break?

7 MR. BOIES: One last question.

8 MS. WOLKINSON: Okay.

9 BY MR. BOIES:

10 Q. The involve- -- you said earlier that a lot of
11 clients can ask for things, but that doesn't mean that
12 they will receive them, correct?

13 A. Correct.

14 Q. In this case, did Voyager ask for things and then
15 not receive them in the deal?

16 A. Can you --

17 MR. COOK: Object to the form.

18 THE WITNESS: That's -- that's pretty broad.
19 Can you narrow that down?

20 BY MR. BOIES:

21 Q. Were there any things -- like, is there anything
22 that comes to your mind specifically that Voyager asked
23 for at the beginning of the deal that was not delivered to
24 them during the deal?

25 A. I don't think I can answer that fully. There --

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1 there could have been things that they asked for that
2 didn't make it into the contract, sure.

3 Q. But you don't have, in your mind, any specific
4 example of them asking for something and then not
5 receiving that thing as a result of this deal?

6 MR. COOK: Object to form.

7 THE WITNESS: [REDACTED]
8 [REDACTED]

9 BY MR. BOIES:

10 Q. When did they ask -- did they ask for Mark Cuban
11 to participate in any other events other than the 10/27
12 press conference?

13 A. Not to my knowledge.

14 Q. Okay.

15 MR. BOIES: All right. We'll take our break
16 now.

17 THE VIDEOGRAPHER: Off the record, 10:59.

18 (Brief recess taken.)

19 THE VIDEOGRAPHER: We are on the record.

20 The time is 11:24.

21 MR. BOIES: And how much time do we have on
22 the record?

23 THE VIDEOGRAPHER: An hour, 40 minutes.

24 MR. BOIES: Great.

25 BY MR. BOIES:

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1 Q. You -- just before break, you mentioned that
2 Mark Cuban was not a specific deliverable within the --
3 within the contract; is that correct?

4 A. Correct.

5 Q. In your experience, a -- a contract of this
6 magnitude, are -- is everything in the contract --

7 MR. COOK: Object to form.

8 BY MR. BOIES:

9 Q. -- when it -- when it is executed?

10 A. Primarily.

11 Q. Primarily?

12 Does there ever have to be a certain level
13 of trust on both sides that they -- that each other will
14 deliver value and provide what each other are looking for?

15 MR. COOK: Object to form.

16 THE WITNESS: Say that again.

17 BY MR. BOIES:

18 Q. Does there need to be trust on both sides that
19 both the Mavericks and their partner, or sponsor, will
20 deliver the value and provide what the partner is looking
21 for?

22 MR. COOK: Object to form.

23 THE WITNESS: [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 BY MR. BOIES:

2 Q. Do you ever expedite the contractual process
3 so -- so that not everything is included in the contract?

4 MR. COOK: Object to form.

5 THE WITNESS: Can you expand on "expedite"?
6 Are you saying do we deliver before the contract is done,
7 or --

8 BY MR. BOIES:

9 Q. Do you ever short-circuit the contract, the
10 contractual negotiations and say: We're going to deliver
11 the value you're seeking, but we're not going to give you
12 the specifics about the assets that you're buying?

13 MR. COOK: Object to form.

14 THE WITNESS: [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 MR. BOIES: I'll give you Exhibit 35.

19 (Exhibit 35 was marked for identification.)

20 BY MR. BOIES:

21 Q. Do you see how you -- where you are -- where you
22 received this e-mail from Kory Nix, at the top of the
23 e-mail?

24 A. (Witness examines document.) Yes.

25 Q. And you received this e-mail?

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1 A. So it looks.

2 Q. Did -- did you read it when you received it?

3 A. Back -- yes. This is quite a while ago.

4 Q. Do you see in the -- in the first sentence on
5 sort of the -- the second or third phrase, where it says:

6 [REDACTED]

7 [REDACTED]

8 A. Yes.

9 Q. What does that mean to you?

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Q. "We will have over 100-plus years of experience
16 on this call." What is -- whose experience?

17 A. The -- if you add up all of the senior directors
18 and VPs, we have over a hundred years' worth of
19 experience.

20 Q. And that is you, Kory, Clay, Billy, and Ryan?

21 A. Correct.

22 Q. Between the five of you, you have a hundred years
23 of -- of experience?

24 A. Yes.

25 Q. Together averaging 20 years of experience?

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1 MR. COOK: Object to form.

2 THE WITNESS: Around that, yes.

3 BY MR. BOIES:

4 Q. Your experience is how long?

5 A. Fifteen.

6 Q. And your lack of -- you're not quite at 20 years
7 of experience --

8 A. Right.

9 Q. -- but that's made up for it with your
10 colleagues --

11 A. Correct.

12 Q. -- is that correct?

13 How long has Ryan been with the Mavericks?

14 A. Approximately 25.

15 Q. Did he predate you?

16 A. Yes.

17 Q. Did he predate Mark Cuban?

18 A. That's a good question. I mean, Mark bought the
19 team in -- I would assume so.

20 Q. That's fine.

21 A. Right around that. You're asking me to do math,
22 and --

23 Q. That's fine.

24 A. Yeah.

25 Q. What did you major in college? What was your

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1 major in college?

2 A. Business management/marketing.

3 Q. And in -- with that -- do you see the last -- the
4 last line of -- of that paragraph from Kory? What does
5 that say?

6 A. It says: Communicate that they're in great hands
7 with us and MC as their partner.

8 Q. Now, did -- and did you -- do you read that as
9 Kory is suggesting -- who does "MC" refer to in this?

10 A. Mark.

11 Q. And so Mark Cuban, as their partner, is that what
12 Kory Nix is referring to here?

13 MR. COOK: Object to form.

14 THE WITNESS: I can't speak to Kory's --

15 BY MR. BOIES:

16 Q. Well, how did you interpret it?

17 A. That they're going to be in good hands with us as
18 an organization.

19 Q. And that Mark Cuban would be their partner?

20 MR. COOK: Object to form.

21 THE WITNESS: As the Dallas Mavericks is
22 what -- I'm reading it as Dallas Mavericks.

23 BY MR. BOIES:

24 Q. You're -- you're reading "MC" as Dallas
25 Mavericks?

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1 A. They're in great hands with us, the Dallas
2 Mavericks, and Mark Cuban, as the partner. He's a part of
3 the Dallas Mavericks.

4 Q. And so he would be a partner to Voyager --

5 MR. COOK: Object to form.

6 BY MR. BOIES:

7 Q. -- in this -- in this deal?

8 MR. BEST: Object to form.

9 THE WITNESS: This is not -- this was gone
10 before we had any of the deal points.

11 BY MR. BOIES:

12 Q. Did there need -- because of the speed at which
13 this deal was moving, did there need to be a level of
14 trust on both sides?

15 MR. COOK: Object to form.

16 THE WITNESS: There needed to be trust on
17 both sides.

18 BY MR. BOIES:

19 Q. And would -- do you think that Voyager, in their
20 mind, was thinking of the trust as Mark Cuban, as their
21 partner here, but then not when it came contractual time?

22 MR. COOK: Object to form.

23 THE WITNESS: I can't speak to Kory's train
24 of thought.

25 BY MR. BOIES:

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1 Q. But you under- -- I'm talking about your -- you
2 received this e-mail, and your understanding of what this
3 e-mail says.

4 MR. COOK: Wait for a question.

5 BY MR. BOIES:

6 Q. [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 BY MR. BOIES:

16 Q. And if you -- if you go back -- if you go to the
17 third-to-last page, it's 12466 in the bottom right corner,
18 this is back -- this is, again, the Erika e-mail to Ryan
19 from September 10th where -- where she discusses what
20 Voyager is seeking?

21 A. Yep, I see that.

22 Q. And, again, this is -- this is where -- do -- do
23 you feel that what Voyager was seeking was delivered to
24 Voyager?

25 MR. COOK: Object to form.

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1 THE WITNESS: They were seeking several of
2 these things, but they -- they weren't delivered.

3 BY MR. BOIES:

4 Q. Which weren't?

5 A. [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 Q. Did Mark get involved in the Voyager/Dallas
10 Mavericks partnership?

11 MR. COOK: Object to form.

12 THE WITNESS: [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 BY MR. BOIES:

16 Q. What else did they ask for, other than the press
17 announcement?

18 A. They -- I don't recall all of them, but they
19 asked for several things from Mark that --that didn't come
20 to fruition.

21 Q. Did they ask Mark to Tweet about Voyager?

22 A. I don't -- I don't -- I wasn't aware of that.

23 Q. Did they ask Mark to have an interview on CNBC
24 with Stephen Ehrlich?

25 A. They -- they did ask for him to do a -- a press.

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1 I don't remember if it was specifically that news outlet
2 or with Stephen Ehrlich, but --

3 Q. Did they do press together?

4 A. I don't recall. Again, we -- we get a lot of
5 asks from different sponsors, and we -- they don't always
6 end up in the deal.

7 Q. But when they ask for something and they receive
8 it, do they pay for it?

9 MR. COOK: Object to form.

10 THE WITNESS: That's not really -- I mean,
11 they pay for what's in the agreement.

12 BY MR. BOIES:

13 Q. And sometimes they get more than what's in the
14 agreement?

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 Q. Would that press announcement have gone forward
2 without Mark Cuban?

3 A. Yes.

4 Q. Did they -- did Voyager, and its representatives,
5 ever confirm Mark Cuban's availability for the Sept- --
6 for the October 27th press conference?

7 MR. COOK: Object to form.

8 THE WITNESS: Can you say that again?

9 BY MR. BOIES:

10 Q. Did Voyager confirm Mark Cuban's availability for
11 the October 27th press conference --

12 MR. COOK: Object to form.

13 BY MR. BOIES:

14 Q. -- prior to the --

15 A. Voyager -- are you asking if Voyager scheduled
16 that with Mark?

17 Q. Did Voyager -- sure. Sure. We'll start with
18 that.

19 Did Voyager schedule the September -- the
20 October 27th press conference with Mark Cuban?

21 A. No.

22 Q. Who did they schedule it with?

23 MR. COOK: Object to form.

24 THE WITNESS: Our team invited Mark to
25 participate.

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1 BY MR. BOIES:

2 Q. Did Voyager ever confirm Mark's participation
3 prior to October 27th?

4 MR. COOK: Object to form.

5 THE WITNESS: I don't know what date Mark
6 was -- Mark confirmed to be there at the press conference,
7 but that was a --

8 BY MR. BOIES:

9 Q. Was it important, in your mind, to Voyager to
10 have Mark Cuban at that press conference?

11 MR. COOK: Object to form.

12 THE WITNESS: I can't speak for Voyager.

13 BY MR. BOIES:

14 Q. But as the sales representative from the
15 Mavericks who was in charge of putting together this deal,
16 you had some idea about what was important to Voyager; is
17 that correct?

18 A. The -- they did the partnership without him being
19 a contractual asset, so, obviously, it wasn't something
20 that they required.

21 Q. Was the level of trust that needed to be had on
22 both sides communicated to Voyager at any point?

23 MR. COOK: Object to form.

24 THE WITNESS: That's -- that they would have
25 to believe that we were going to become a good sponsor and

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1 deliver what was in the contract.

2 MR. BOIES: Exhibit 106.

3 (Exhibit 106 was marked for identification.)

4 BY MR. BOIES:

5 Q. Did you -- did you organize phone calls and
6 meetings with -- with people from Voyager?

7 A. We -- we had numerous calls that would have been
8 scheduled through Teams. I don't know if I did every one
9 of them, but I did some of them.

10 Q. When -- when you schedule a call through Teams,
11 is that, like, Microsoft Teams?

12 A. Yeah.

13 Q. Is it videoconference?

14 A. Yes.

15 Q. Are those videoconferences recorded?

16 A. No, not that I'm aware of.

17 Q. Do you take notes on those videoconferences?

18 A. Not all the time.

19 Q. When you do, what kind of notes do you take?

20 MR. COOK: Object to form.

21 THE WITNESS: A summary of the conversation
22 or how we would then put specific deal points into the --
23 into a proposal or how we activate the deal.

24 BY MR. BOIES:

25 Q. What does "activate" mean?

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1 A. How we -- how we execute the deliverables.

2 Q. And -- and when you take notes on these calls, do
3 you put them into the summary form and distribute them to
4 your colleagues?

5 MR. COOK: Object to form.

6 THE WITNESS: I don't recall. I took some
7 notes. I don't recall doing them every time.

8 (Exhibit 108 was marked for identification.)

9 BY MR. BOIES:

10 Q. And on that same day, you sent this e-mail to --
11 Exhibit 108 -- premarked Exhibit 108 to Victor Ribakare?

12 A. "Ribakare."

13 Q. "Ribakare."

14 Who is Victor Ribakare?

15 A. He is our activation team.

16 Q. He's on your activation team?

17 A. Uh-huh.

18 Q. Does he work below you?

19 A. He works side by side.

20 Q. Side by side to you.

21 So he had -- is he a senior director as
22 well?

23 A. No. He's on the activation team. There's a
24 sales team, and then there's an activation team.

25 Q. This might be a little late, but let's -- do you

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1 mind helping me go through, sort of, the corporate
2 structure?

3 So you say there's an activation team and a
4 sales team. What -- what other teams are there?

5 A. In our group, in the sponsorship team?

6 Q. So is a sponsorship team different than -- and
7 activation team different from a sales team?

8 A. Well, big picture, sponsorship team, right?

9 Q. Okay.

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q. The -- so the proposals are done by a third team
14 from the activation and the sales team?

15 A. The sales team primarily does it, but we have
16 help from them, like, with creating logos, et cetera.

17 Q. Now, is that a communications team?

18 A. No.

19 Q. What team is Erin Finegold White on?

20 A. She's on our marketing -- she's in our marketing
21 department, not in -- in our --

22 Q. Is the sponsorship team different than marketing?

23 A. Yes.

24 Q. And is that different than player personnel?

25 A. Correct.

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1 Q. How many different of those teams do you have?

2 Like, sponsorship team? Marketing team?

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. So -- so there might be a sales group under the
11 ticket --

12 A. Correct.

13 Q. -- under the ticketing group, but that will have
14 nothing to do with the sponsorship?

15 A. Correct.

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 A. Yes.

21 Q. -- is that correct?

22 A. Correct.

23 Q. And in this e-mail, you -- you -- you tell -- and
24 who -- sorry, remind me where -- and Victor Ribakare --
25 sorry if I'm mispronouncing --

1 A. That's okay.

2 Q. -- he works on -- he works in your sales team or
3 in the activation team?

4 A. Activation.

5 Q. But under that sponsorship umbrella?

6 A. Correct.

7 Q. And when you say, "Voyager is taking over the
8 day," what do you mean by that?

9 A. We were working on putting together the proposal,
10 I imagine, for this -- on that day, and we were working on
11 it throughout the day.

12 Q. Did it take -- did -- did working on Voyager take
13 away from other obligations you had?

14 A. I don't recall that specific day.

15 Q. What prompted you to tell Victor this?

16 A. I may have been in another meeting, but I don't
17 recall the exact e-mail.

18 Q. And the -- and the marketing team, that's sort of
19 a separate group, the marketing group, did they have any
20 involvement with this Voyager deal?

21 A. We work close with them for different deal
22 points.

23 Q. Like the drumline video, will that be -- what
24 team -- of -- of these five teams, what -- what team did
25 you work with to -- to produce that video? Do you

1 remember the drumline video?

2 A. Yes.

3 Q. The drumline video, what -- what team produced
4 that?

5 A. We used an outside agency to create that video.

6 Q. So you wouldn't have gone to your own marketing
7 team? So your marketing team had nothing to do with that?

8 MR. COOK: Object to form.

9 THE WITNESS: They would have -- have seen
10 the storyboard. They would have seen the -- what the
11 video was and approved -- approved it.

12 BY MR. BOIES:

13 Q. I know I just said -- and I know I just asked
14 this question, so I apologize.

15 But what does "activation" mean?

16 A. They're the support group of our sales arm.

17 Q. And when you say "support group," they -- that
18 means they are often the ones fulfilling the
19 obligations --

20 A. Yes.

21 Q. -- making sure that the assets that you've
22 promised in your sponsorship agreement come to fruition?

23 A. Yes.

24 Q. If the car had come to fruition, it'd be the
25 activation team that would go out and get that car; is

1 that -- is that a fair statement?

2 A. The activation team helps us create or execute
3 what signage is being run, our media trafficking, social.
4 They're an extension of our team to make sure that things
5 are executed.

6 Q. So this is Exhibit, premarked, 36.

7 (Exhibit 36 was marked for identification.)

8 BY MR. BOIES:

9 Q. And did you receive this e-mail on or about the
10 time it says at the top of that page from Ryan Mackey?

11 A. Yes.

12 Q. Did you have a call that day where it says:

13 FYI --

14 A. On the 17th?

15 Q. -- for our call today?

16 A. Yes. I can't specifically recall what -- what
17 the call was about, but yes.

18 Q. If you -- like, I think I showed you Exhibit 106.
19 If you go back just a few exhibits, was that you
20 organizing that call that occurred?

21 A. Started at 4:30.

22 Q. Well, 4:30 is -- is not actually 4:30.

23 A. Oh.

24 Q. 4:30 is actually 11:30 or 10:30. I'm a little
25 confused myself about the actual times.

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1 A. Yeah, I was about to say, the times aren't --

2 Q. So this is GMT, so that's Greenwich Mean Time.

3 So that's 4:30 in -- in Engl- -- England.

4 A. I don't know if those timelines match up. Is
5 that what you're saying?

6 Q. I'm asking -- I'm -- I'm asking you if -- if
7 the -- the e-mail was sent at 4:29 p.m. GMT 00, your --
8 your start to the --

9 A. Yeah, 4:30 to 5:30.

10 Q. -- call, 4:30 GMT 00.

11 Are these -- do you think -- do you have any
12 reason to think that this call that you organized with
13 Erika is not the same call referenced by Mackey on the --
14 at 4:29?

15 MR. COOK: Object to form.

16 THE WITNESS: I -- I -- it's hard to say. I
17 would -- I mean, this -- I scheduled a meeting at 4:30.

18 BY MR. BOIES:

19 Q. Okay. Do you remember if that meeting happened?

20 MR. COOK: Object to form.

21 THE WITNESS: I -- I assume it did.

22 BY MR. BOIES:

23 Q. Do you think that this e-mail was discussed on
24 that meeting?

25 MR. COOK: Object to form.

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1 THE WITNESS: Voyager -- Mavs + Voyager
2 Connect, Voyager & Mavs Asset Summary.

3 Yes. I mean, this looks like something we
4 would have gone over.

5 BY MR. BOIES:

6 Q. I'll -- I'll put you -- are you on page 12368?

7 A. Yes.

8 Q. So at the top left, it says, "Partnership
9 Objectives," correct?

10 A. Yep.

11 Q. Now, you -- you're saying that -- you've said
12 that partnership and sponsorship are the same, so it could
13 have said, "Sponsorship Objectives"?

14 A. Again, they can -- yeah, it's a common vernacular
15 for us to use sponsorship and partnership as the same.

16 Q. Now, is -- "sponsor" and "partner," are those
17 interchangeable.

18 A. It's common vernacular.

19 Q. So -- so it could say, "Sponsor Objectives"?

20 A. It could.

21 Q. So -- so when -- when it says "Spon-" -- when it
22 says "Partner Objectives," this is, in your mind,
23 Voyager's objectives?

24 MR. COOK: Object to form.

25 THE WITNESS: These are the objectives that

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1 Voyager was looking to do, yes.

2 BY MR. BOIES:

3 Q. And -- and the second bullet -- bullet point,

4 " [REDACTED] is that --

5 [REDACTED]

6 Q. -- are those Voyager objectives?

7 MR. COOK: Object to -- object to form.

8 THE WITNESS: These are some of the
9 objectives that we identified going into the call.

10 BY MR. BOIES:

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Q. Sorry. I'm going to ask you again slightly --
16 slightly different.

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 MR. COOK: Object to form.

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1 THE WITNESS: [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 Q. [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]:
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 BY MR. BOIES:

10 [REDACTED]

11 [REDACTED] e

12 [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 BY MR. BOIES:

2 Q. If Mark had been available and willing, would he
3 have engaged in that additional press, regardless of his
4 contractual obligation?

5 MR. COOK: Object to form.

6 THE WITNESS: I can't speak for Mark.

7 BY MR. BOIES:

8 Q. Do -- do you e-mail Mark Cuban directly?

9 A. I have in the past, yes.

10 Q. And in the -- this deal, one of the -- in this
11 deal, you -- you saw national press as one of the things
12 that Voyager was interested in; is that correct?

13 A. They wanted to tell as -- you know, as many of
14 our fans about the announcement as they could.

15 Q. And those fans -- you've got Mavs fans across the
16 country; is that correct?

17 A. We have Mavs fans everywhere, yes.

18 Q. Do you have Mavs fans in Germany?

19 MR. COOK: Object to form.

20 THE WITNESS: I assume so.

21 BY MR. BOIES:

22 Q. Do you have Mavs fans in Slovenia?

23 MR. COOK: Object to form.

24 THE WITNESS: I assume so.

25 BY MR. BOIES:

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1 Q. Do you have Mavs fans in California?

2 MR. COOK: Object to form.

3 THE WITNESS: I am sure there are Mavs fans
4 in every state.

5 BY MR. BOIES:

6 Q. And through this partnership, you wanted to reach
7 Mavs fans in every state?

8 MR. COOK: Object to form.

9 THE WITNESS: Our -- we have a marketing
10 territory that we're supposed to market to, which is in
11 North Texas, so all of our partnerships/sponsorships are
12 geared towards those fans.

13 BY MR. BOIES:

14 Q. Does El Paso, Texas, fall within that?

15 A. I don't believe it's in our marketing territory.
16 There's a 150-mile marketing radius territory.

17 Q. Have you ever been to El Paso, Texas?

18 A. I honestly -- I may have driven through it
19 whenever I was a kid.

20 Q. But El Paso is more than 150 miles from here?

21 A. I don't know. Yes, I don't know --

22 Q. That's okay. So let's say I'll tell you El Paso,
23 Texas, is more than 150 miles away from Houston, San
24 Antonio, and Dallas. Would -- would El Paso, Texas, under
25 that scenario, be able to receive any team-specific NBA

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1 marketing --

2 MR. COOK: Object to form.

3 BY MR. BOIES:

4 Q. -- under your understanding of the rules?

5 MR. COOK: Same objection.

6 THE WITNESS: If they are -- they are in
7 Texas and outside of those marketing territories of the
8 other teams, then, yes, we would be able to market to
9 them.

10 BY MR. BOIES:

11 Q. You would be able to market to them if they
12 are out- --

13 A. If they --

14 Q. So -- so -- sorry.

15 A. As it relates to, like, e-mail, is that what
16 you're asking? Like --

17 MR. COOK: Wait for him to ask a question.

18 BY MR. BOIES:

19 Q. If I live -- if -- if I live more than 150 miles
20 away from any of the three sports -- three basketball
21 teams in Texas, can the Mavericks advertise to me without
22 geofenced -- without geofencing?

23 MR. COOK: Object to form.

24 THE WITNESS: Is that a question?

25 BY MR. BOIES:

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2 Do -- do you know if you can advertise to a
3 Texan that lives more than 150 miles away from San
4 Antonio, Houston, and Dallas?

6 THE WITNESS: I don't re- -- I don't know
7 which territories -- which territories we can and cannot
8 market outside of the -- in Texas. El Paso could be
9 somewhere that we could do a -- we could send an
10 advertisement to.

12 Q. So if Bally Sport -- Bally Sports is -- is in
13 El Paso, Texas, they are play -- they get the Mavs game --

15 Q. -- they can see Voyager -- they can see the
16 Voyager signage just as if they're sitting in
17 Fort Worth -- Dallas-Fort Worth; is that -- is that your
18 understanding?

20 MR. COOK: Object to form.

23 BY MR. BOIES:

Veritext Legal Solutions

1 A. Yes, it's northern part of --

2 Q. More than 150 miles away from Orlando and Miami;
3 more than 150 miles away from any sports team; I think
4 more than 150 miles from New Orleans, but I could be
5 wrong.

6 MR. COOK: Just wait for a question.

7 BY MR. BOIES:

8 Q. But wait for the question.

9 Do you know if geofencing, as it relates to
10 your advertisements, are restricted in areas such as that?

11 MR. COOK: Object to form.

12 THE WITNESS: I don't recall. I don't know
13 the answer to that.

14 BY MR. BOIES:

15 Q. But you understood the Voyager proposal included
16 things that were for national promotions to drive consumer
17 acquisitions?

18 MR. COOK: Object to form.

19 THE WITNESS: The Sponsorship Agreement that
20 we had was intended to reach our marketing territory in
21 North Texas.

22 BY MR. BOIES:

23 Q. And no other territory?

24 A. Someone on TV could have seen signage. We --
25 that's not in our control.

1 Q. But your deal with Voyager was only for
2 promotions within the 150-mile radius of
3 Dallas-Fort Worth?

4 MR. COOK: Object to form.

5 THE WITNESS: The marketing assets in this
6 deal were intended to be utilized across North Texas in
7 our marketing territory.

8 BY MR. BOIES:

9 Q. Here's Exhibit 24.

10 Did you write that e-mail?

11 A. Yes.

12 Q. Did you prepare the sales report that is
13 referenced in the subject line of that e-mail?

14 A. Yes.

15 Q. When you prepare a sales report, do you do it for
16 more than one sponsorship -- sponsor?

17 A. Yes.

18 Q. Is the reason the rest of this page blacked out
19 is because there are other companies that you are giving a
20 sales report that might not be relevant to this
21 litigation?

22 MR. COOK: Object to form.

23 THE WITNESS: I would assume that's the
24 case.

25 BY MR. BOIES:

1 Q. You -- and looking at this page right now -- and
2 this is a yes-or-no question. Looking at this page right
3 now, is there anything to suggest to you that there is
4 advice that was given to you through counsel underneath
5 this blacked-out point?

6 MR. COOK: Object to form.

7 THE WITNESS: Say that question again.

8 BY MR. BOIES:

9 Q. Is there legal advice under here?

10 MR. COOK: Object to form.

11 THE WITNESS: I -- I don't know what's
12 specifically in this -- what's underneath that.

13 BY MR. BOIES:

14 Q. Did you write what is underneath that, or were
15 you forwarding part of a document that was underneath
16 that?

17 A. No, that would have -- most likely have been
18 another update on another sponsor.

19 Q. Do you ever give legal advice?

20 A. No.

21 Q. Do you ever -- okay. So that's fine. That's I
22 just want to...

23 Do you see in the second line of -- of --

24 so: [REDACTED]

25 [REDACTED]

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1 Do you see that?

2 A. Yep.

3 Q. The second item is, [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. But this is what Voyager wanted?

10 MR. COOK: Object to form.

11 THE WITNESS: [REDACTED]

12 [REDACTED]

13 BY MR. BOIES:

14 Q. [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 BY MR. BOIES:

22 Q. And this partnership, was one of the things that
23 it's intended to do was to build trust and credibility; is
24 that correct?

25 MR. COOK: Object to form.

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1 THE WITNESS: [REDACTED]
2 [REDACTED] of
3 [REDACTED] d
4 [REDACTED]

5 BY MR. BOIES:

6 Q. In the cryptocurrency industry, is building trust
7 and credibility important?

8 MR. COOK: Object to the form.

9 THE WITNESS: Yes.

10 BY MR. BOIES:

11 Q. Why?

12 MR. COOK: Object to form.

13 THE WITNESS: So that fans would be willing
14 to engage the sponsor.

15 BY MR. BOIES:

16 Q. And in this case, willing to put money onto the
17 platform?

18 A. Or to sign up for an account and learn about it,
19 yes.

20 Q. And possibly put down \$100 and make a trade?

21 MR. COOK: Object to form.

22 THE WITNESS: Yes.

23 MR. COOK: Alex, what time do you want to
24 break for lunch?

25 MR. BOIES: At least 15 -- at least 10

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1 minutes --

2 MR. COOK: That's fine.

3 MR. BOIES: -- 20 -- then 20 minutes would
4 be -- 20 min- -- 12:30 we should be able to --

5 MR. COOK: Okay.

6 MR. BOIES: -- might be -- might be a few
7 minutes one way or the other, but --

8 MR. COOK: That's fine.

9 MR. BOIES: This is Exhibit 37.

10 (Exhibit 37 was marked for identification.)

11 BY MR. BOIES:

12 Q. And this is an e-mail from you to Clay and Mackey
13 and Kory, correct? But then it has a body from Clay and
14 previously from Mackey, correct?

15 A. Correct.

16 Q. And on page 2, [REDACTED]

17 [REDACTED]

18 A. Where is that at? Okay, [REDACTED] I got it.

19 MR. COOK: I'm sorry. Could you read the
20 question back. I was looking for it on the exhibit.

21 (Requested material was read back.)

22 MR. COOK: Object to form.

23 THE WITNESS: [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED] So there's --

3 BY MR. BOIES:

4 Q. Does this -- does this go back to trust --
5 trusting --

6 A. [REDACTED]

7 [REDACTED] a

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1

2

Q. Are a lot of deals as [REDACTED] deal?

3

4

5

6

7

8

9

Q. And last -- and last year -- if you go to, sort of, two -- two pages later, 5327 at the bottom right --

10

A. Uh-huh.

11

12

Q. -- the Mavericks made the playoffs; is that correct?

13

A. Correct.

14

Q. Would Voyager have paid a playoff fee?

15

A. Yes.

16

Q. Did Voyager pay a playoff fee?

17

18

A. I assume so. I don't know what that number was -- is.

19

20

Q. Is the playoff fee -- does the sponsor get more than they're -- then they're paying for?

21

MR. COOK: Object to form.

22

THE WITNESS: Repeat that.

23

BY MR. BOIES:

24

25

Q. When the -- when the Mavericks makes the playoffs --

1 A. Yes.

2 Q. -- it's a really -- it's a big deal because the
3 playoffs is nationally -- is -- is nationally televised,
4 correct?

5 A. The games are nationally televised, correct.

6 Q. And the games in -- in last year's playoffs were
7 nationally televised, correct?

8 A. Correct.

9 Q. And Voyager was a sponsor of -- of the Dallas
10 Mavericks during their playoff run last year, correct?

11 A. They had assets during the games, but those would
12 not have been visible on the national TV.

13 Q. Why not?

14 A. We don't control those rights.

15 Q. Are there any rights that are protected?

16 A. So trad- --

17 MR. COOK: Object to form.

18 THE WITNESS: [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 BY MR. BOIES:

25 Q. So the only playoff fees that they would have

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1 paid were for geofenced within the 150-mile-radius assets?

2 MR. COOK: Object to form.

3 THE WITNESS: Yes.

4 BY MR. BOIES:

5 Q. And when ESPN picks up a highlight from a Dallas
6 Mavericks game, does it use the national televised
7 programming, or does it use the Bally Sports Southwest
8 televised programming?

9 MR. COOK: Object to form.

10 THE WITNESS: I don't -- I can't speak to
11 what ESPN broadcast they use.

12 BY MR. BOIES:

13 Q. Do -- do you watch ESPN?

14 A. Not as much anymore.

15 Q. Did you watch -- did you used to watch the
16 SportsCenter Top 10?

17 A. Yes.

18 Q. Would the SportsCenter Top 10 blur out
19 advertisement signage if it was picking up on a Bally's
20 Sports Southwest feed?

21 MR. COOK: Object to form.

22 THE WITNESS: I don't believe so.

23 BY MR. BOIES:

24 Q. So somebody sitting in Ohio might be able to see
25 a -- a Luka highlight, if it's at the Top 10, and all the

1 signage would be in the background?

2 MR. COOK: Object to form.

3 BY MR. BOIES:

4 Q. Just the same as it was as when it was being
5 broadcast in Downtown Dallas?

6 MR. COOK: Same objection.

7 THE WITNESS: That was a long question.

8 MR. BOIES: That was a long question.

9 BY MR. BOIES:

10 Q. So somebody sitting in Ohio watching ESPN Top 10
11 and saw a Luka highlight from a game that was only shown
12 on Bally Sports Southwest, would the signage in the
13 background of the Luka highlight be visible to that
14 individual sitting in Ohio watching SportsCenter?

15 MR. COOK: Object to the form.

16 THE WITNESS: Yes.

17 BY MR. BOIES:

18 Q. Same thing with California; the individual
19 watching ESPN on -- Top 10 in California -- in California
20 or in Florida, would see a Luka highlight and the signage
21 in the background on the Bally Sports Southwest feed would
22 be visible to that individual watching the ESPN Top 10?

23 MR. COOK: Object to form.

24 THE WITNESS: Pending they were using that
25 broadcast.

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1 BY MR. BOIES:

2 Q. Does -- in your experience, does Luka bring --
3 have a lot of highlights --

4 MR. COOK: Object to form.

5 BY MR. BOIES:

6 Q. -- that are worthy of the ESPN Top 10?

7 MR. COOK: Object to form.

8 THE WITNESS: Luka is a very good player.

9 BY MR. BOIES:

10 Q. So, yes, he would have a lot of highlights?

11 MR. COOK: Object to form.

12 THE WITNESS: He -- yes.

13 BY MR. BOIES:

14 Q. Is -- is he a -- do people, coast to coast, like
15 Luka Doncic?

16 MR. COOK: Object to form.

17 THE WITNESS: I believe he is a -- a big
18 fan -- or a big player across the NBA spectrum, yes.

19 BY MR. BOIES:

20 Q. Are you excited to have a second star to promote
21 with your -- within your team now that you have
22 Kyrie Irving?

23 MR. COOK: Object to form.

24 MR. BEST: Not for the Jewish community.

25 THE WITNESS: We are excited that we have

1 good talent on the floor.

2 BY MR. BOIES:

3 Q. One of the things that Voyager was looking for
4 was player participation. Would having a second star
5 increase the assets that were available to be sold to a
6 sponsor?

7 MR. COOK: Object to the form.

8 THE WITNESS: I don't know how that's
9 relevant to this, considering he's now --

10 BY MR. BOIES:

11 Q. Kyrie is certainly not relevant to Voyager, and I
12 --

13 A. Okay.

14 Q. -- I will -- if you want to object -- if you just
15 don't want to answer that, I'm perfectly happy not
16 including Kyrie.

17 But having a -- but last year did you have a
18 second star?

19 A. We -- we had a lot of good players who made it to
20 the Western Conference finals.

21 Q. Did you have a second All-Star on your team?

22 A. No.

23 Q. But Jalen Brunson really helped you in the
24 playoffs?

25 A. He was not an All-Star, but yeah.

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1 Q. He was not; he is now on the Nets.

2 A. He should be an All-Star.

3 Q. All right. One more document.

4 MR. BOIES: Okay. Just this one last thing.

5 BY MR. BOIES:

6 Q. So with the -- so this is Exhibit 38.

7 (Exhibit 38 was marked for identification.)

8 BY MR. BOIES:

9 Q. This is an e-mail from Ryan to Mark Cuban, and it
10 refers to the -- the: Over [REDACTED] in [REDACTED] built it.

11 Do you see that?

12 A. Yep.

13 Q. Do you see where Mavs gaming and legends would
14 each get [REDACTED] as part of the deal?

15 A. Yep.

16 Q. What did you understand Mr. Mackey as referring
17 to with regards to the: [REDACTED] fluff built in?

18 A. That we put [REDACTED] dollars towards [REDACTED]
19 [REDACTED]

20 Q. And -- [REDACTED] -- I'm sorry.

21 Do you prepare the deal sheets?

22 A. It's a collective effort.

23 Q. Did you prepare this -- the deal sheet that is
24 attached to the last two pages of this exhibit where your
25 name is --

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1 A. Yes.

2 Q. -- with Kory and Clay on the top right?

3 A. As I said, it's a collective effort.

4 Q. And -- and what does "rate card" mean?

5 [REDACTED]

6 [REDACTED]

7 [REDACTED] to

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. So when it says, "MTA Scholarship Program" --

13 A. Where are we at?

14 Q. The last page.

15 -- [REDACTED] [REDACTED],

16 [REDACTED]

17 [REDACTED]

18 A. Yep.

19 Q. Those -- those two numbers are the same on this
20 circumstance. What does that mean?

21 A. [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. And -- and rate card -- and the sale rate can be

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1 either discounted or -- or given a premium, correct?

2 MR. COOK: Object to form.

3 THE WITNESS: Correct.

4 BY MR. BOIES:

5 Q. But the rate card isn't -- does the rate card
6 include costs to the Mavericks?

7 A. Does it include -- I don't know. Sometimes.

8 Q. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. Would there be anywhere where it would say what
24 the costs are for these various assets?

25 A. Some places, yes.

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1 Q. So, like, social media -- social campaign, is --
2 is -- the rate card is zero.

3 A. So whenever you see "Social Media Campaign,
4 Miscellaneous" --

5 Q. Yeah.

6 A. -- that means that there's a line item in there
7 that we clicked on that didn't have a -- a rate next to
8 it, and then it allowed us to put our rate in. Does that
9 make sense?

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Q. And then at the bottom, when you grand total all
15 those numbers --

16 A. Yep.

17 Q. [REDACTED]

18 A. I'm sorry. I don't see -- oh, over here on the
19 right?

20 Q. Yeah.

21 A. That's just how much money that the total
22 sponsorship was going to be. That -- that part of it was
23 going to be added up and equals [REDACTED]

24 Q. And the unadjusted gross value [REDACTED]

25 [REDACTED]

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1 A. Correct. Which is where the -- you're saying the
2 unadjusted right here. Yeah, then one is next to each
3 other, correct.

4 Q. Is the difference between those two numbers, the
5 [REDACTED] built in?

6 A. That is the premium, yes.

7 Q. And this [REDACTED]
8 [REDACTED] [REDACTED]

9 MR. COOK: Object to form.

10 THE WITNESS: Sorry. Say that again.

11 BY MR. BOIES:

12 Q. The -- the [REDACTED] appears to be the --

13 A. The --

14 Q. -- sum of the two numbers to the left --

15 A. Right.

16 Q. -- or the three numbers to the left, but it's
17 really only two numbers?

18 [REDACTED] [REDACTED]

19 Q. Correct.

20 A. Yes.

21 Q. [REDACTED]
22 [REDACTED]

23 MR. COOK: Object to form.

24 THE WITNESS: [REDACTED]
25 [REDACTED]

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1

[REDACTED]

2

BY MR. BOIES:

3

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

[REDACTED]

9

[REDACTED]

10

Q. What are hard costs?

11

A. [REDACTED]

12

[REDACTED]

13

[REDACTED]

14

[REDACTED]

15

[REDACTED]

16

[REDACTED]

17

[REDACTED]

18

[REDACTED]

19

[REDACTED]

20

[REDACTED]

21

[REDACTED]

22

[REDACTED]

23

[REDACTED]

24

[REDACTED]

25

MR. BOIES: Now is a good time for lunch.

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1 MR. COOK: Great.

2 THE VIDEOGRAPHER: Off the record, 12:33.

3 (Lunch break taken.)

4 THE VIDEOGRAPHER: We are on record. Time
5 is 1:47.

6 MR. BOIES: And how much time have we been
7 on the record?

8 THE VIDEOGRAPHER: 2 hours, 54 minutes.

9 MR. BOIES: All right. Where were we?

10 BY MR. BOIES:

11 Q. Let's see. This next exhibit was produced the
12 way it was. It, to me, appears to be eight e-mails, sort
13 of combined, but it was produced as one e-mail with it
14 nestled, so this might get a little --

15 MR. COOK: Is there any reason we can't
16 break it up if it's different e-mail threads, different
17 exhibits? It's going to make for a messy record.

18 MR. BOIES: That is -- that is my concern.
19 The only thing was is that this -- I was told this is
20 exactly how it was produced.

21 MR. COOK: It's your depo. I'll do what you
22 want.

23 MR. BOIES: All right. So this is -- this
24 is Exhibit 44.

25 (Exhibit 44 was marked for identification.)

1 BY MR. BOIES:

2 Q. So this is Exhibit 44. And there are going to be
3 a number of e-mails from -- from you. But this is just
4 the way it was produced, so bear with me.

5 Do you see the top, the first e-mail is from
6 you to Erin Finegold White, Collin Kim, and Bonnie Pena.
7 Who -- who are those individuals?

8 A. Erin is our SVP of comms. I believe that's her
9 title. CK works for her in the public rel- -- I guess,
10 she's our PR person as well. And Bonnie is -- is
11 executive assistant.

12 Q. And you work with them with -- with Voyager for
13 the launch and any press releases; is that correct?

14 A. Correct.

15 Q. And in this e-mail, you are, sort of, sharing
16 updates about the launch and the press; is that correct?
17 The very first --

18 A. To Erin and CK, yeah.

19 Q. Yeah. And No. 2 on -- in the body of your
20 e-mail, it says: I believe Ryan is making the ask to Mark
21 about the media interview with Steve.

22 What was that -- what was that in reference
23 to?

24 A. I don't know.

25 Q. You -- you don't know now, or you -- you didn't

1 know then?

2 MR. COOK: Object to form.

3 THE WITNESS: I don't know now what that
4 particular ask was.

5 BY MR. BOIES:

6 Q. Did Steve -- did -- did Voyager ever ask for an
7 interview -- a media interview between Mark and Steve?

8 A. They made -- yes, they made an ask for him to do
9 an interview with a -- I don't remember what media it was,
10 but I don't think that ever came to fruition.

11 Q. Okay. Well, I guess, move ten pages, or so, to
12 15340, bottom right.

13 A. Okay.

14 Q. Do you see -- is this -- and you might look in
15 the page right before it.

16 Do you see that this is an e-mail from
17 Mark Cuban to -- addressed to Erin Finegold White but has
18 you in the cc line. Do you see that?

19 MR. COOK: Do you mind, Alex, if I just note
20 for the record that this question appears to relate to a
21 separate e-mail thread beginning at the page number that
22 Mr. Boies indicated and ending at 15344?

23 THE WITNESS: Okay. So -- (Witness examines
24 document.) Now that I have read it, what was the
25 question?

1 BY MR. BOIES:

2 Q. So the question was, simply: Do you see that --
3 the Mark -- do you see that Mark is being asked for an
4 exclusive interview with Jabari Young with CNBC ahead of
5 the press conference on the 27th?

6 A. Yes. I read that.

7 Q. And do you see that he does not -- he says "no"
8 to this? Do you see why?

9 MR. COOK: Object to the form.

10 THE WITNESS: I don't know that -- I can't
11 speak for Mark.

12 BY MR. BOIES:

13 Q. But do you -- do you see that he says "no," and
14 then he says a sentence in which he says -- states: They
15 will ask me more -- one question on Voyager and all other
16 questions will be non-Voyager. They just used this as an
17 excuse to get me on.

18 Do you see that?

19 A. I can read that, yes.

20 Q. And is it -- is -- when you read this at the
21 time, back in -- back about a year and a half ago, did
22 that mean -- what did that mean to you?

23 MR. COOK: Object to form.

24 THE WITNESS: I don't -- I don't recall.

25 BY MR. BOIES:

1 Q. But he wasn't willing to do the interview; is
2 that correct?

3 MR. COOK: Object to form.

4 THE WITNESS: It says no.

5 BY MR. BOIES:

6 Q. Would he be -- in your -- in your experience,
7 would he have done the interview if it was exclusive to
8 Voyager?

9 MR. COOK: Object to form.

10 THE WITNESS: I can't answer Mark's...

11 BY MR. BOIES:

12 Q. If you go back -- if you continue just maybe --
13 the next page, do you see where it says: We were
14 trying -- that you -- that you send to -- to Ryan and
15 Erin: We were trying to make it closer to lunch, but we
16 can do what -- whenever he is available.

17 Who's "he" in that sentence?

18 A. I would assume that we're referencing Mark, since
19 the subject says "timeline for Mark."

20 Q. And what -- what about his availability? In --
21 in that last three words, "whenever he is available," what
22 did that mean to you?

23 MR. COOK: Object to form.

24 BY MR. BOIES:

25 Q. Or what did -- what did you mean by that, because

1 this is your -- your writing? What did you mean by that?

2 MR. COOK: Object to form.

3 THE WITNESS: That our schedule was
4 flexible.

5 BY MR. BOIES:

6 Q. Who is "our" in your -- that our schedule is
7 flexible, who's "our" in that response of yours?

8 A. The event timeline.

9 Q. When the event would take place on the 27th was
10 flexible --

11 A. Right.

12 Q. -- for the Mavericks?

13 A. Right.

14 Q. Was it flexible for Mark?

15 MR. COOK: Object to form.

16 THE WITNESS: I don't know Mark's schedule.

17 BY MR. BOIES:

18 Q. Would -- were you trying to confirm Mark's
19 schedule for the 27th so that he could participate in the
20 press release and launch?

21 MR. COOK: Object to the form of the
22 question.

23 THE WITNESS: We were asking if he was
24 available.

25 BY MR. BOIES:

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1 Q. At the top of that page, what is his response?

2 A. "Sure."

3 Q. And so that "sure" on October 14th -- on
4 October 13th -- oh, God -- that -- that "sure" that was
5 written from -- from Mark Cuban to Ryan, to Dawn, to Cynt,
6 that was referring -- that was answering in the
7 affirmative his availability for a conference with Steve
8 from -- Ehrlich from Voyager on October 27th; is that
9 correct?

10 MR. COOK: Object to the form.

11 THE WITNESS: It was for the -- the
12 partnership announcement -- sponsorship announcement.

13 BY MR. BOIES:

14 Q. And that partnership announcement occurred on
15 October 27th?

16 A. Yes.

17 Q. Do you know what time that partnership
18 agreement -- or partnership announcement took place; do
19 you remember?

20 A. It was around 2:00 p.m.

21 Q. And this -- these -- this e-mail chain is from
22 two weeks prior to the -- the announcement -- the
23 partnership announcement?

24 A. I don't -- can you point me to that e-mail?
25 Which page are you looking at?

1 Q. I'm looking at -- we can just look at 12- --
2 15340, just where it says, "Mark Cuban," and e-mail
3 "sure." His -- his response to Ryan Mackey.

4 A. That's 314 for me. Am I missing a page?

5 Q. 314?

6 A. 341.

7 Q. 341. Yes. Yes. It's sort of straggling 340 and
8 341.

9 That -- that e-mail where Mark Cuban
10 confirmed his availability for the October 27th press
11 conference was two weeks before that October 27th press
12 conference?

13 MR. COOK: Hold on. I'm sorry. I didn't --
14 I didn't get the question there.

15 THE WITNESS: I didn't either.

16 BY MR. BOIES:

17 Q. The e-mail that Mark sent confirming his
18 availability, was that sent two weeks prior to the
19 October 27th press conference?

20 A. October 13th, yes.

21 Q. It -- did he make any alterations to that
22 confirmation?

23 A. I don't know.

24 MR. COOK: Object to the form.

25 BY MR. BOIES:

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1 Q. Did -- did he appear on October 27th?

2 A. Yes.

3 Q. So on October 13th, he confirmed that he would be
4 available on October 27th?

5 MR. COOK: Object to the form.

6 THE WITNESS: He says, "Sure."

7 BY MR. BOIES:

8 Q. Yeah.

9 During these two week -- these two, three
10 weeks between, sort of, the -- in -- in the middle of
11 October, from, sort of, now -- from -- from when we're
12 talking about October 13th until the October 27th press
13 release, what -- what were you doing? What were your
14 obligations?

15 MR. COOK: Object to the form.

16 THE WITNESS: I -- that's a long time ago,
17 and there's a two-week period there. I was working. I
18 can't tell you what I specifically was working on.

19 BY MR. BOIES:

20 Q. Was this deal a primary focus of yours?

21 A. I have several clients, so I was working on all
22 of my sponsorships.

23 Q. Did you have any new sponsorships --

24 A. Yes.

25 Q. -- being negotiated that month?

1 A. I don't -- I can't recall the exact ones, but
2 yes.

3 Q. Did you close any new partnerships that month?

4 A. I can't tell you exactly which ones, but there
5 was new partners/sponsors going into that month.

6 Q. That you were involved in the sales and
7 negotiating the contracts for?

8 A. I was involved in the -- the sales primarily.

9 Q. Do -- do you take part in the negotiation of a
10 contract?

11 A. Can you elaborate?

12 Q. In the -- in this -- with Voyager, did you
13 partake in the negotiations for what was exactly in the
14 contract?

15 MR. COOK: Object to the form.

16 THE WITNESS: It was a collective group of
17 us that did that.

18 BY MR. BOIES:

19 Q. What was your role in that negotiation?

20 A. To help put the deal points together.

21 Q. And one of the deal -- one of the deal points
22 that you put together was the drumline video?

23 A. Yes.

24 MR. COOK: Object to form.

25 BY MR. BOIES:

1 Q. Did you -- were you the point of contact with
2 Infinite?

3 A. Yes.

4 Q. Who is Infinite?

5 A. They're a third-party agency that we use to help
6 create videos creative for our various sponsors.

7 Q. Do you pay Infinite?

8 A. Yes.

9 Q. Would -- the amount you pay to Infinite for their
10 services in rolling out the drumline video, would that --
11 how would that appear on the deal sheet internally?

12 A. I don't know.

13 Q. Would that be a hard cost?

14 A. I don't recall how it was done.

15 Q. Speaking more generally, when you get third-party
16 vendors to -- to help you with assets, how -- who pays --
17 who pays the third-party vendor?

18 A. It ranges from us to the sponsor.

19 Q. And do you -- do you, as a person in the sales
20 group, help make those arrangements?

21 A. Can you restate that?

22 Q. Do you -- do you make the determination about who
23 should pay the third-party sponsor, whether it be the
24 Mavericks or whether it be the sponsor?

25 A. I don't recall what happened in this example.

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1 Q. And in the -- on the second page, that e-mail
2 from Ash Movshovich, who -- what -- who or what is
3 Ketchum?

4 A. They are a PR agency.

5 Q. Are they --

6 MR. COOK: Alex, what page are you on?

7 THE WITNESS: 332.

8 MR. BOIES: 332.

9 MR. COOK: Thank you.

10 BY MR. BOIES:

11 Q. And did -- what was their role in this deal?

12 A. They were assisting Voyager in the press release.

13 Q. And did you use the press releases that were
14 provided by Ketchum and Voyager in -- in forming your
15 own -- the Dallas Mavericks press releases?

16 A. I don't recall.

17 Q. Who would have been in charge of the Dallas
18 Mavericks press releases?

19 A. Erin Finegold.

20 Q. And I'm going to have you turn to 345. This
21 appears to be a new e-mail from you to -- or from Kory Nix
22 to you and Ryan and Clay, 345.

23 A. Is -- is 345 --

24 Q. The bottom --

25 A. -- all the way to 348 the same e-mail chain --

1 thread?

2 Q. Yes.

3 A. Okay.

4 Q. Yes. Voyager gave --

5 A. Can I take a second to read this?

6 Q. Of course.

7 A. (Witness examines document.) Okay.

8 Q. The Voyager gaming assets, what -- what were
9 they?

10 A. They were a collection of assets for our 2K team.

11 Q. And approximate -- approximately how much was
12 the -- was the game -- was Mavs gaming to receive from
13 this deal?

14 A. I believe it was stated earlier, it was [REDACTED]

15 Q. And what were -- what was Voyager going to
16 receive as a result of this deal related specifically to
17 the Voyager gaming assets?

18 MR. COOK: Object to the form.

19 THE WITNESS: Can you -- can you, yeah, say
20 that again?

21 BY MR. BOIES:

22 Q. What was Voyager -- what were the deliverables to
23 Voyager related to Mavs gaming?

24 A. Okay. Thanks.

25 They were to have the [REDACTED]

1

2

3

4

Q. What is a Texas Ticket Tournament?

5

A. It was a tournament for individuals to come play

6

2K.

7

Q. Did that occur?

8

A. I believe so.

9

Q. Do you know when that occurred?

10

A. I do not.

11

Q. Was that in the -- was -- was that the summer of
12 2022, or was that the summer of 2021? Do you have about
13 when that would have occurred?

14

A. I-- I'd be guessing.

15

Q. Give -- give -- give me your best guess.

16

A. Sometime between March and May of 2022.

17

Q. When does the 2K season begin?

18

A. I believe it began this season in February.

19

Q. Is there overlap between the -- the 2K gaming
20 season and the Mavericks season?

21

A. Yes.

22

Q. Do you remember what the gaming center naming
23 rights ended up being?

24

A. That asset was not fulfilled because the building
25 we were going to name was sold.

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1 Q. Do you have an alternative gaming center now?

2 A. No.

3 Q. Where do your 2K players play?

4 A. They play here, and they -- they move here and
5 they are in apartment -- apartments, and they played
6 inside that -- those houses during this period of time.

7 Q. To- -- today, do you have a new Mavs gaming
8 center?

9 A. We have an office for -- it's -- it's not
10 completed, but there will -- there's a gaming place that
11 they're going to move into.

12 Q. Is eSports as big as they thought it would be?

13 MR. COOK: Object to the form.

14 THE WITNESS: That's -- can you qualify who
15 "they" are?

16 BY MR. BOIES:

17 Q. In the past year and a half, has Mavs gaming
18 grown as much as the Dallas Mavericks would have hoped?

19 MR. COOK: Object to the form.

20 THE WITNESS: I don't know the answer to
21 that.

22 BY MR. BOIES:

23 Q. Do you have a lot of experience with Mavs gaming?

24 A. Nope.

25 Q. Do you play 2K?

1 A. Ten years ago, I did.

2 Q. Do you -- when Voyager came -- when the deal
3 started, or when you first came on board, one of the
4 titles that Voyager wanted to have was official and
5 exclusive crypto brokerage exchange partner; is that
6 correct?

7 A. I -- I don't recall the exact term.

8 Q. Do -- do you re- --

9 MR. BOIES: Exhibit 39.

10 (Exhibit 39 was marked for identification.)

11 BY MR. BOIES:

12 Q. Do you see this e-mail you sent on September
13 22nd?

14 A. Yes.

15 Q. And it says: It looks like we have -- already
16 have the language they need to start. We can add this...
17 Bullet point: Official and Exclusive Crypto Brokerage
18 Exchange Partner - likely need to define this further.

19 Do you see that?

20 A. Yes.

21 Q. Did you type "likely need to define this
22 further"?

23 A. Yes.

24 Q. What about that needed to be defined further?

25 A. I don't recall.

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1 Q. Is that an awkward name?

2 MR. COOK: Object to the form.

3 THE WITNESS: I don't -- I don't recall
4 the -- where this landed.

5 BY MR. BOIES:

6 Q. In the third -- when you "@Ryan Mackey," and when
7 you're @'ing somebody, "@," is that just getting their
8 attention, or does that create, like, a hashtag? In
9 Twitter, when you @ somebody --

10 A. Oh.

11 Q. -- you know how it -- it becomes blue, and you
12 click on them?

13 MR. COOK: Object to form.

14 BY MR. BOIES:

15 Q. Do you have any system like that in the Maverick
16 -- in your Mavericks database?

17 A. It announced -- I think it'll recognize that he
18 is being pointed out in this e-mail.

19 Q. So I'm going to -- that -- that question you
20 asked: Do we need to review this with legal/marketing?

21 Why did you ask that question?

22 A. I don't recall.

23 Q. What about this deal -- do -- do you ask that
24 about all your deals?

25 MR. COOK: Object to form.

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1 THE WITNESS: [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 BY MR. BOIES:

5 Q. And this being a crypto brokerage exchange deal,
6 did you think any additional legal scrutiny might be
7 warranted?

8 MR. COOK: Object to the form.

9 THE WITNESS: I don't -- I don't know.

10 BY MR. BOIES:

11 Q. Did you have any opinions about the legality of
12 crypto brokerage exchanges at that time?

13 MR. COOK: Object to form.

14 THE WITNESS: I -- same answer: I don't
15 recall what was --

16 BY MR. BOIES:

17 Q. Do -- do you ever rush over that part, the legal
18 and marketing, sort of, do -- do you ever try to expedite
19 things beyond legal and marketing --

20 MR. COOK: Object to form.

21 BY MR. BOIES:

22 Q. -- to get things done quickly?

23 A. We -- we would need to get [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED]

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1 Q. And what does legal have to approve?

2 A. They're the same.

3 Q. Legal and marketing are the same?

4 A. Legal and marketing would have to --

5 Q. Is that one -- we had -- earlier, we talked about
6 the various general teams, I believe, the -- the sales
7 team and activation team was under the sponsorship
8 heading; marketing was a different one. Is legal separate
9 from marketing?

10 A. Yes.

11 Q. So when -- when you're going to legal marketing,
12 you're actually going to two different other departments?

13 A. Correct.

14 Q. And when you're going to marketing, you're more
15 focused on: How is this going to look? How does the
16 drumline video appear? Correct?

17 MR. COOK: Object to form.

18 THE WITNESS: For --

19 BY MR. BOIES:

20 Q. For marketing, you care more about how it
21 appears; is that correct?

22 A. The creative.

23 Q. Yeah.

24 MR. COOK: Object to form.

25 BY MR. BOIES:

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1 Q. And in legal, do you care more about what the
2 implications are of partnering with that -- or working
3 with that particular sponsor?

4 MR. COOK: Object to form.

5 THE WITNESS: I wasn't -- that wasn't a part
6 of my responsibility to work with legal as much.

7 BY MR. BOIES:

8 Q. So why -- so why were you taking on that
9 responsibility by asking Ryan whether this needed to be
10 reviewed?

11 MR. COOK: Object to form.

12 THE WITNESS: I was making sure that Ryan
13 was having that conversation.

14 BY MR. BOIES:

15 Q. So in your opinion, it was Ryan's responsibility
16 to have that conversation with legal?

17 A. We were looking for his guidance on it.

18 Q. What else were you doing to move this along
19 quickly?

20 A. I don't know.

21 Q. Here's Exhibit 15.

22 And is this an e-mail that Kory Nix sent to
23 you?

24 A. Appears to be.

25 Q. And in the second paragraph, "we," who is "we" in

1 that circumstance?

2 A. I would be guessing for Kory.

3 Q. But you received this e-mail; it was addressed to
4 you; it was responsive to an e-mail you sent. How did you
5 interpret "we" in this -- in this paragraph?

6 MR. COOK: Object to form.

7 THE WITNESS: Same; I -- I don't know what
8 he was exactly saying.

9 BY MR. BOIES:

10 Q. "We will be promoting it with our assets." "We"
11 and "our" are pronouns, and it is your -- it is your
12 testimony that you do not know what "we" and "our" as it
13 relates to Kory Nix writing to you, Billy, Ryan, Clay and
14 Patrick?

15 A. I would assume that he is saying "we," as in the
16 Mavericks.

17 Q. So "we," as in the Mavericks, "will be promoting
18 it." What is "it" in that sentence, in your opinion?

19 A. I -- I -- I don't know.

20 Q. Was it the Voyager Club?

21 MR. COOK: Object to the form.

22 THE WITNESS: I would be speculating that
23 that's what it is. I don't know for sure.

24 BY MR. BOIES:

25 Q. What did you mean when you sent -- earlier that

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1 day that prompted this e-mail: That was scary timing.
2 Reading your e-mail and this came in.

3 What is "this"?

4 A. Lee Bratcher with the North Texas Blockchain
5 Council had reached out to me on LinkedIn and wanted to
6 have a conversation about what we're doing in the
7 education space for crypto.

8 Q. Did you respond to him?

9 A. Yes.

10 Q. What is the North Texas Blockchain Council?

11 A. It's a coalition of crypto enthusiasts that are
12 working on educational programs.

13 Q. Are -- is North Texas Blockchain Council a
14 competitor of Voyager?

15 MR. COOK: Object to form.

16 THE WITNESS: No.

17 BY MR. BOIES:

18 Q. Did anything come to fruition with North Texas
19 Blockchain Council?

20 A. They attended the press conference.

21 Q. Are they a -- themselves a press entity?

22 A. I don't know.

23 Q. This is Exhibit 40.

24 (Exhibit 40 was marked for identification.)

25 BY MR. BOIES:

1 Q. As -- as one of the -- the salespeople on this,
2 did you help Ryan manage his relationship with
3 Drew Northfeld- -- -field at Excel?

4 MR. COOK: Object to the form.

5 THE WITNESS: I don't recall this meeting.

6 BY MR. BOIES:

7 Q. Did -- did you organize this meeting?

8 A. It shows that I did, but I don't --

9 Q. Do you have any reason to believe this meeting
10 didn't occur?

11 A. I -- I don't know, to be honest.

12 Q. And in -- in the two weeks after this deal
13 came -- begun in, sort of, the -- in the end of -- in the
14 last half of September, the length of the deal was a
15 question; is that correct?

16 MR. COOK: Object to the form. And I'm not
17 sure what time frame you're talking about. You said the
18 two weeks before the deal began?

19 BY MR. BOIES:

20 Q. September 16th through September 30th, 2021. So
21 this is the -- the second half of September, after you
22 have been brought in by Ryan Mackey.

23 [REDACTED]

24 [REDACTED]

25 Q. After -- after Excel was already handing the

1 baton on to you, Clay, and Kory, after the unprecedented
2 -- the unprecedented move was September 15th; do you
3 remember that?

4 MR. COOK: Object to the form.

5 THE WITNESS: Can you ask that --

6 BY MR. BOIES:

7 Q. Do you remember the e-mail where Ryan sent to
8 you --

9 A. The unprecedented --

10 Q. -- the unprecedented move?

11 A. Yes.

12 Q. That -- do you trust me if I tell you that that
13 occurred on either September 15th or September 16th.

14 MR. COOK: You don't have to answer that.

15 MR. BOIES: You don't have to answer that.

16 MR. BEST: Just say "assuming."

17 MR. COOK: If you want him to accept a
18 premise, he'll do it for purposes of the question.

19 BY MR. BOIES:

20 Q. May you -- assuming that that e-mail came -- so I
21 don't have to reach back and show you it, assuming that
22 e-mail came on the 15th or 16th, were you involved in the
23 negotiations over the next six weeks leading until the --
24 the deal got done?

25 A. Yes.

1 Q. Was one of the components that was being
2 negotiated between Voyager and the Dallas Mavericks, the
3 amount of years the deal would be done for?

4 A. I don't recall.

5 Q. Did you have an opinion about the value of the
6 deal to Voyager based on the amount of time the deal would
7 be contracted for?

8 MR. COOK: Object to the form.

9 THE WITNESS: That was long. Can you just
10 shorten that?

11 BY MR. BOIES:

12 Q. Did you have an opinion about the value of the
13 deal for Voyager based on how long the deal would take
14 place?

15 MR. COOK: Object -- object to the form.

16 BY MR. BOIES:

17 Q. Would a three-year deal bring less value to
18 Voyager than a five-year deal?

19 MR. COOK: Object to the form.

20 THE WITNESS: I don't -- I don't know.

21 BY MR. BOIES:

22 Q. Okay. Well, we'll just -- okay.

23 MR. BOIES: This is Exhibit 41.

24 (Exhibit 41 was marked for identification.)

25 BY MR. BOIES:

1 Q. You're welcome to read it, but I'm going to bring
2 you, at first, to page 2, towards the bottom where it
3 says: Ryan -- Ryan Mackey, and he's sending an e-mail to
4 Kory Nix, Kyle Tapply, and Clay Christopher. The body of
5 it says, "Translation."

6 A. Okay.

7 Q. Does Mr. Mackey often ask for your help in
8 translating Mark Cuban?

9 MR. COOK: Object to the form.

10 THE WITNESS: I don't recall. Are there
11 examples?

12 BY MR. BOIES:

13 Q. What was he asking you to translate in this
14 e-mail chain?

15 MR. COOK: Object to the form.

16 THE WITNESS: I -- I wrote that -- I read
17 that: [REDACTED]

18 [REDACTED] which I can't speak to
19 Mark's, you know, train of thought, but that's the way I
20 interpreted what I'm assuming is the -- on the next page.

21 BY MR. BOIES:

22 Q. And on the -- if you keep going to 6665, on the
23 bottom right, second-to-last page, on this, Erika is
24 writing to -- to Ryan: We are incredibly excited to be
25 your new -- your partner.

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1 Do you think that in that context "partner"
2 could be -- could be changed to "customer"?

3 MR. COOK: Object to the form.

4 THE WITNESS: As we've stated, the
5 sponsor -- sponsor vernacular and, as it is written in the
6 contract, it says that they are not a partner; they are a
7 sponsor. So, again, she --

8 BY MR. BOIES:

9 Q. So Erika's just --

10 MR. COOK: Wait, wait, wait.

11 Finish your answer.

12 THE WITNESS: Again, she's -- we are -- this
13 is before the contract was done. She's saying things that
14 weren't necessarily in -- in the contract.

15 BY MR. BOIES:

16 Q. Did anyone correct her into saying that:
17 We're -- we're -- that you should be excited to be our
18 sponsor, rather than our partner?

19 A. It --

20 MR. COOK: Object to the form.

21 THE WITNESS: It was corrected in the -- the
22 contract that they wrote, because it says they are not a
23 partner; they are a sponsor.

24 BY MR. BOIES:

25 Q. In the contract, it says they are not a partner?

1 A. I believe it says they are a sponsor.

2 Q. Does it say they are a customer?

3 A. I'm saying it says that they're a sponsor.

4 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13 A. Can you tell me which page we're on?

14 Q. It's just 6664.

15 A. Got it. Thank you.

16 Q. -- your -- is it your belief that that could just
17 say "Sponsor Designations"?

18 MR. COOK: Object to the form.

19 THE WITNESS: Repeat the question.

20 BY MR. BOIES:

21 Q. Where it says "Partner Designations" --

22 A. I believe we've gone through this before, but
23 "sponsor" and "partner" are interchangeable in our
24 vernacular. But in the contract, does it -- I believe it
25 says that they are a sponsor.

1 Q. And in your negotiations -- during negotiations,
2 you choose to use the word "partner." During the
3 contract, you choose to use the word "sponsor."

4 After the contract is executed, do you
5 occasionally call them "customers"?

6 MR. COOK: Object to the form.

7 THE WITNESS: I don't -- I don't recall.
8 There's a "you;" it's too broad.

9 BY MR. BOIES:

10 Q. Do you ever refer to your sponsors as
11 "customers"?

12 A. I don't -- we don't typically call them
13 "customers." We usually call them "sponsors" and/or
14 "partners."

15 Q. And under this partner designation, in the second
16 line: Official Cryptocurrency Payments Provider, after
17 BitPay, ensuring we can use Doge --

18 A. "Doge."

19 Q. -- (as agreed in Mark/Steve phone call - this was
20 a Mark requirement).

21 Do you see that?

22 A. Yes.

23 Q. When did the Mark/Steve phone call take place?

24 MR. COOK: Object to the form.

25 THE WITNESS: I wasn't involved in those.

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1 BY MR. BOIES:

2 Q. Do you have any other personal knowledge about
3 the Mark/Steve phone call referenced here?

4 MR. COOK: Object to the form.

5 THE WITNESS: Same answer. I don't have...

6 BY MR. BOIES:

7 Q. When it says, "this was a Mark requirement," how
8 would you interpret that?

9 MR. COOK: Object to the form.

10 THE WITNESS: I -- I don't know Mark as --
11 as a train of thought, I can't -- I can't speak for Mark.

12 BY MR. BOIES:

13 Q. But your -- but -- but your interpretation of
14 "This was a Mark requirement" --

15 A. Are you asking me to speculate on what Mark is
16 saying?

17 Q. No. I'm asking you to give me what you -- how --
18 how you interpret that bullet point that you received,
19 and -- and when you -- "and" to give yourself the context
20 to make the translation of: I -- I read that as "he's,"
21 meaning Mark Cuban, correct, [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

24 I'm just -- I am asking you: In the context
25 of your interpretation here, how did you interpret "This

1 was a Mark requirement"?

2 MR. COOK: Can you read that question back?

3 Because I lost it.

4 BY MR. BOIES:

5 Q. In the context of your interpretation --

6 MR. COOK: Are you withdrawing the question
7 and asking another one?

8 MR. BOIES: No, I'm actually -- I'm just
9 asking the exact same question. I'm trying to read it,
10 because I used the word "here."

11 BY MR. BOIES:

12 Q. So I was going to say: In the context of your
13 interpretation of this translation, how did you interpret
14 "this was a Mark requirement"?

15 MR. COOK: Object to the form.

16 THE WITNESS: I don't recall making an
17 interpretation based off of that -- that sentence.

18 BY MR. BOIES:

19 Q. Okay. So -- so how did you make your
20 interpretation?

21 MR. COOK: Object to the form.

22 THE WITNESS: I don't recall.

23 BY MR. BOIES:

24 Q. We've touched on staking.

25 What is "DCM"? If you want to go to the

1 first page, you're welcome to see the context in which I'm
2 asking.

3 A. It's an acronym for -- I -- I don't know what the
4 acronym stands for. I did then; I don't know now.

5 Q. Staking and DCM, are those broad categories of --
6 of crypto?

7 MR. COOK: Object to the form.

8 THE WITNESS: Those are -- are two different
9 types of crypto; is -- is that what you're asking?

10 BY MR. BOIES:

11 Q. Well, I'm -- I'm -- let's take the whole
12 sentence: We can still have staking, DCM, and other
13 categories that aren't defined, like Cryptomining.

14 A. What's your question?

15 Q. What are these broad categories you're
16 referencing?

17 A. We were discussing if we could find other
18 partners/sponsors in these categories.

19 Q. Were you hoping to narrow the contract with
20 Voyager so you might be able to find other companies in
21 the crypto space that might not be competitors of Voyager?

22 MR. COOK: Object to the form.

23 THE WITNESS: [REDACTED]

24 [REDACTED]
25 BY MR. BOIES:

1 Q. And why was a five-year deal better than a
2 three-year deal for Voyager?

3 MR. COOK: Object to form.

4 THE WITNESS: Five years is bigger than
5 three.

6 BY MR. BOIES:

7 Q. It has nothing to do with: After three years
8 getting to the good part of the deal where fans recognize
9 who they are and the brand equity they've established?

10 MR. COOK: Object to form.

11 THE WITNESS: Correct. It's better for us
12 to have a five-year deal than a three-year deal.

13 BY MR. BOIES:

14 Q. "Us" being?

15 A. The -- the Mavericks.

16 Q. So the Mavericks benefit more from the -- from
17 the longer-term deal than Voyager?

18 A. The Mavs and our fans, because it's -- it's --

19 Q. So what did you mean by, "We shouldn't pull the
20 rug out from them"?

21 A. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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Q. Were you worried that after three years a deal with -- after three years of a deal with Voyager, a new deal with a different cryptocurrency exchange might get the benefit of your three-year deal with Voyager?

MR. COOK: Object to the form.

THE WITNESS: Say that again.

BY MR. BOIES:

Q. Were you worried that after three years of the deal with Voyager, if it were to stop after that amount of time, and you were to make a new deal with a different cryptocurrency exchange, that that new cryptocurrency exchange would improperly benefit from the deal with Voyager.

MR. COOK: Object to the form.

THE WITNESS: I don't -- I don't follow now.

BY MR. BOIES:

Q. So what does "pull the rug out" mean in that context?

A. That we would be stopping the deal earlier.

Q. Is "pulling the rug out" a crypto term?

MR. COOK: Object to form.

THE WITNESS: I don't believe -- I don't

1 know if it is.

2 BY MR. BOIES:

3 Q. Have you heard "getting rug pulled" --

4 A. No, I don't believe so.

5 Q. -- or -- or "pulling the rug out" in any crypto
6 term -- in any cryptocurrency lingo?

7 A. I've -- I have heard --

8 MR. COOK: Object to the form of the
9 question.

10 THE WITNESS: I have heard it, but that's
11 not what this was.

12 BY MR. BOIES:

13 Q. Are you aware that "pulling the rug out" is a
14 common crypto scam where fraudulent developers lure
15 investors into what appears to be a lucrative new project
16 then disappear with the funds leaving investors with a
17 worthless asset?

18 MR. COOK: Object to the form.

19 THE WITNESS: I did not know that was what
20 that meant, and was not intending for that to be phrased
21 that way.

22 BY MR. BOIES:

23 Q. Are you worried that investors in Voyager got the
24 rug out pulled out from under them?

25 MR. COOK: Object to form.

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1 THE WITNESS: I -- I don't know.

2 BY MR. BOIES:

3 Q. And in -- the "crypto trading swim lane," do you
4 see that on here on the first paragraph?

5 A. "Swim lane," yes, all of --

6 Q. What -- what did that mean to you?

7 A. [REDACTED]

8 [REDACTED]
9 Q. Were you in talks with other ones?

10 A. [REDACTED]

11 Q. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 BY MR. BOIES:

17 Q. Did the 7 percent staking affect that decision?

18 MR. COOK: Object.

19 THE WITNESS: At no point did we ever
20 discuss anything to do with 7 percent staking.

21 BY MR. BOIES:

22 Q. And when you say "7 percent staking," do you, in
23 your mind, equate that to 7 percent interest rate?

24 A. I don't know.

25 MR. BEST: So he was responding to your

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1 question about a 7 percent staking. He was just answering
2 your question. So it is strangely inappropriate for you
3 to ask him what he meant by it, when he's just responding
4 to what you said in your question.

5 BY MR. BOIES:

6 Q. Were you aware that Voyager offered a 7 percent
7 staking?

8 MR. COOK: Object to form.

9 THE WITNESS: At no point did we promote any
10 sort of staking or rewards benefit.

11 BY MR. BOIES:

12 Q. That was not my question.

13 MR. BOIES: Please, may I get -- may I get
14 the read -- question read back for me, please.

15 (Requested material was read back.)

16 MR. COOK: Same objection.

17 THE WITNESS: No.

18 BY MR. BOIES:

19 Q. You were not aware --

20 A. Are you ask -- what are you -- I'm sorry.

21 Q. Were you aware -- did you know, when this deal
22 was going through, did you have personal knowledge that
23 Voyager offered a 7 percent staking?

24 MR. COOK: Is that the end of your question?

25 MR. BOIES: Yes.

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1 MR. COOK: Object to the form. Object to
2 the repetition.

3 THE WITNESS: Again, that was not something
4 that we promoted. We promoted the platform.

5 MR. BEST: Can we go off the record for just
6 one sec?

7 MR. BOIES: Sure. Off the record, please.

8 THE VIDEOGRAPHER: Off the record, 2:48.

9 (Off-record discussion.)

10 THE VIDEOGRAPHER: We are on the record.
11 The time is 2:53.

12 BY MR. BOIES:

13 Q. Did -- on any of their products, did Voyager
14 offer a 7 percent staking?

15 MR. COOK: Object to form.

16 THE WITNESS: From the Mavericks standpoint,
17 we never were involved in any of those types of
18 conversations.

19 BY MR. BOIES:

20 Q. Were you aware of any products that Voyager
21 offered a 7 percent staking reward for?

22 A. I can't tell you if I was aware of what
23 percentage those tokens -- or what they were back during
24 this time. I've learned a lot since then, to a certain
25 degree, but I -- I don't know -- back then, I don't know

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1 what staking -- I can't tell you what staking was.

2 Q. Back -- back then, did you know that when you put
3 your money into a Voyager account it would grow?

4 MR. COOK: Object to form.

5 THE WITNESS: I -- I -- I don't recall what
6 my knowledge of this platform was back during these
7 conversations -- during these e-mails.

8 MR. BOIES: What exhibit was the last
9 exhibit I gave you?

10 THE WITNESS: 41.

11 MR. BOIES: Exhibit 42.

12 (Exhibit 42 was marked for identification.)

13 BY MR. BOIES:

14 Q. Did you receive this e-mail from Erika
15 Szychowski?

16 A. "Szychowski," yes. It's a hard --

17 Q. I can say it another five times, I'll still
18 struggle.

19 Does this -- does this e-mail purport to
20 have an attachment to it?

21 MR. COOK: Object to form.

22 What do you mean does it purport to have an
23 attachment to it?

24 BY MR. BOIES:

25 Q. Is there an attach- -- is --is there an

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1 attachment in this --

2 A. It shows that there's a --

3 Q. Would that normally be an attachment? Would you
4 normally click on that if you saw that?

5 A. Looks like it's a PDF.

6 Q. Yeah. Would a PDF be an attachment?

7 A. Yes.

8 MR. COOK: Object to form.

9 BY MR. BOIES:

10 Q. Do you remember that attachment?

11 A. I don't.

12 Q. Where it says: [REDACTED]

[REDACTED]

[REDACTED]

15 A. Can I read it real quick?

16 Q. Sure.

17 A. (Witness examines document.) Okay.

18 Q. Did -- did that Player Symposium occur?

19 A. The -- the document that they are referencing was
20 a presentation that they shared with -- I believe it was
21 the group of NFL players.

22 Q. Meaning they weren't Dallas Mavericks players?

23 A. It was a previous -- it was a previous group, a
24 presentation that they were showing to us.

25 Q. Do you know anybody who would have been involved

1 in that?

2 A. No.

3 Q. Was Robert Gronkowski involved in that?

4 MR. COOK: Object to form.

5 THE WITNESS: I have no idea.

6 BY MR. BOIES:

7 Q. Were you aware of Robert Gronkowski's involvement
8 with Voyager at this point?

9 A. Not -- no, not -- I don't believe at this point,
10 no. This was early on.

11 Q. Go back to Exhibit 31. Do you remember receiving
12 that -- do you remember talking about that earlier today?

13 A. Yes.

14 Q. Do you see -- do you see the Voyager e-mail that
15 was sent to Billy Phillips?

16 A. Yes.

17 Q. Do you see the next page? On that -- on that
18 exhibit, do you see the next page --

19 A. Yes.

20 Q. -- where -- where it references Robert
21 Gronkowski?

22 A. Yes.

23 Q. Do you know who Robert Gronkowski is?

24 A. Yes.

25 Q. Who is Robert Gronkowski?

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1 A. Football player.

2 Q. What team did they play for at that time?

3 A. Tampa.

4 Q. May you give me the full name of the team,
5 please?

6 A. Tampa Bay Buccaneers.

7 Q. Where does -- what -- where -- where is Tampa Bay
8 located?

9 A. Florida.

10 Q. In the same document that I was just referencing,
11 31, do you see at the top of that page, where it says:
12 The Voyager loyalty program is unlocking your crypto
13 potential, and VGX is the key?

14 A. I'm reading that, yes.

15 Q. Do you see that?

16 Do you see on the next paragraph where it
17 says, "with 7 percent staking rewards"?

18 A. Okay.

19 Q. Had you received this e-mail -- were you on
20 notice of these components to Voyager as of
21 September 15th, 2021?

22 MR. COOK: Object to the form.

23 THE WITNESS: I don't know what they meant.

24 BY MR. BOIES:

25 Q. Back to Exhibit 42. Do you see on October 7th,

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1 BY MR. BOIES:

2 Q. Would the October 27th press conference have
3 happened without Mark Cuban with your knowledge of this
4 phrase?

5 MR. COOK: Object to the form.

6 THE WITNESS: I'd be speculating.

7 BY MR. BOIES:

8 Q. Speculate for me.

9 A. I'm assuming, speculating, that she would -- they
10 want to have Mark at the press conference.

11 Q. Do you think, to Voyager, he was a necessary
12 component?

13 MR. COOK: Object to the form.

14 THE WITNESS: [REDACTED]

[REDACTED]

[REDACTED]

17 BY MR. BOIES:

18 Q. Was the contract signed/executed by this date?

19 A. I believe it was a day after.

20 Q. A -- a day after what?

21 A. The 27th.

22 Q. So on October 6th, there was no contract?

23 MR. COOK: Object to the form.

24 BY MR. BOIES:

25 Q. Correct?

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1 A. Correct.

2 Q. On October 27th, there was no contract, correct?

3 MR. COOK: Object to the form.

4 THE WITNESS: Not to my knowledge.

5 BY MR. BOIES:

6 Q. However, the whole press release went forward,
7 and Mark was involved without any contract being executed,
8 correct?

9 A. Correct.

10 Q. There was a level of trust on both sides that
11 enabled you -- "you," the Mavericks, and "them," Voyager,
12 to work to smooth out the details?

13 MR. COOK: Object to the form.

14 THE WITNESS: I don't know why it took the
15 extra time.

16 BY MR. BOIES:

17 Q. But you are aware that the press conference
18 happened, and Mark participated in it without having any
19 contractual obligations to have done so?

20 MR. COOK: Object to the form.

21 THE WITNESS: He -- he was at the press
22 conference. But, again, [REDACTED]

23 BY MR. BOIES:

24 Q. At -- as of October 27th, 2021, what were the
25 contractual obligations of the Dallas Mavericks?

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1 MR. COOK: Object to the form.

2 THE WITNESS: Can you elaborate?

3 BY MR. BOIES:

4 Q. I can ask again, but I can't elaborate.

5 A. I don't know.

6 MR. COOK: If he doesn't understand your
7 question, he can't answer it.

8 BY MR. BOIES:

9 Q. Were there any contractual obligations of the
10 Dallas Mavericks on October 27th, 2021, if the contract
11 was signed a day or two later?

12 A. We were working to have the press announcement
13 the day before.

14 Q. Do you normally have press announcements of
15 partnerships before a contract is executed?

16 MR. COOK: This is the third time you've
17 asked that question today, and that he's answered it.
18 He'll do it again, but at some point it's got to stop.

19 Go ahead and answer.

20 THE WITNESS: We have done several
21 partnerships/sponsorships without a contract being in
22 place.

23 BY MR. BOIES:

24 Q. So it is normal for you to have press conferences
25 without contracts in place?

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1 MR. COOK: Object to the form; argumentive;
2 repetitious.

3 MR. BEST: We have been going for about an
4 hour and a half. Can we take a break in a few minutes?

5 MR. BOIES: Sure. I just have two
6 documents, and then we can take a break.

7 (Exhibit 43 was marked for identification.)

8 BY MR. BOIES:

9 Q. Exhibit 43, did you receive this e-mail from
10 Kory?

11	A. Yes.
----	---------

[illegible]

23 MR. COOK: Object to the form.

24 THE WITNESS: I don't -- I don't know what
25 he was specifically saying there.

1 BY MR. BOIES:

2 Q. Did you -- did you understand this deal as a
3 promotion related to fans investing in cryptocurrency?

4 A. We were promoting the platform of Voyager.

5 Q. And part of the promotion of the platform was
6 adoption of the platform, correct?

7 MR. COOK: Object to the form.

8 THE WITNESS: Once the fan got on the
9 platform, that was up to them to determine.

10 BY MR. BOIES:

11 Q. But the MAVS100 code encouraged people to sign up
12 for an account and deposit \$100 and make one trade; is
13 that correct?

14 MR. COOK: Object to the form.

15 THE WITNESS: That was the promotion.

16 BY MR. BOIES:

17 Q. And that promotion was intended to drive people
18 to sign up for new accounts with Voyager?

19 A. Yes.

20 Q. And to put money into that account for Voyager?

21 MR. COOK: Object to the form.

22 THE WITNESS: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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2

BY MR. BOIES:

3

4

Q. One of the objectives was to build trust and
credibility of Voyager, correct?

5

A. Correct.

6

7

8

Q. And by building trust and credibility for
Voyager, Mavs fans would be more willing to invest their
money on a platform like Voyager's?

9

MR. COOK: Object to the form.

10

MR. BEST: Object to the form.

11

12

THE WITNESS: I'm sorry. I was waiting for
you to repeat that.

13

BY MR. BOIES:

14

15

16

Q. Oh. So -- by building trust and credibility for
Voyager, Mavs fans would be more willing to invest their
money in Voyager?

17

MR. COOK: Object to the form.

18

THE WITNESS: I -- we can't --

19

BY MR. BOIES:

20

Q. Was that an -- was that --

21

22

MR. COOK: Wait, wait. Let him finish his
answer.

23

24

25

THE WITNESS: We -- we can only get them to
the platform. From -- what they do from there, it's up to
them.

1 BY MR. BOIES:

2 Q. Could you encourage them to sign up for an
3 account?

4 MR. COOK: Object to form.

5 THE WITNESS: We can provide promotional
6 offers, but it's up to them on if they want to make a
7 deposit or make a trade.

8 BY MR. BOIES:

9 Q. Did you encourage them to make a trade through
10 your promotional products?

11 MR. COOK: Object to the form.

12 THE WITNESS: If they wanted the -- the
13 promotion, then that's what they would have had to have
14 done.

15 BY MR. BOIES:

16 Q. And what did Mr. -- what did you understand
17 Mr. Nix as meaning by "from our assets" in that question?

18 A. I don't know.

19 Q. What are your assets in that context?

20 MR. COOK: Object to the form.

21 THE WITNESS: We have a wide variety of
22 marketing assets, so I -- I don't know what, specifically,
23 he was referencing.

24 BY MR. BOIES:

25 Q. Would a MAVS100 be one of those assets?

1 A. That's a Voyager offer.

2 Q. MAVS100 is solely a Voyager offer?

3 A. Well, it was an offer on Voyager. That was an
4 offer that they made for fans once they got on the -- once
5 they signed up for an account.

6 Q. Who made the announcement of the MAVS100
7 promotion?

8 A. I don't know who.

9 Q. Did the Dallas Mavericks announce the MAVS100
10 promo code?

11 A. It was included in some of our promotional
12 messaging, yes.

13 Q. Did Mark Cuban promote the MAVS100 promo code?

14 MR. COOK: Object to the form.

15 THE WITNESS: I don't recall.

16 MR. BOIES: This is Exhibit 29.

17 (Exhibit 29 was marked for identification.)

18 BY MR. BOIES:

19 Q. I'll have you go to towards the end. It's not
20 the last page; it's the third-to-last page.

21 Do you recognize this document?

22 A. This is the Voyager launch outline, yes.

23 Q. Correct. And this is a draft of that outline.
24 It appears an early -- an early enough draft that it's
25 prior to October 14th, 2021.

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1 Do you see at the very top --

2 A. Yes.

3 Q. -- it says October 14th, that probably wouldn't
4 have occurred...

5 Is that correct?

6 A. Correct.

7 Q. On that third-to-last page, do you see where you
8 appear -- where your name appears in the margin?

9 A. Yeah. Are we on 68?

10 Q. Yes.

11 A. Okay.

12 Q. Why -- why -- why does your name appear in a
13 margin like that?

14 MR. COOK: Object to the form.

15 THE WITNESS: This was a working document
16 that we used to track some of the assets leading up to the
17 announcement.

18 BY MR. BOIES:

19 Q. Are hashtags an asset?

20 A. I don't know what that's referencing.

21 Q. I'm -- don't worry about the document.

22 Are hashtags a Dallas Mavericks asset?

23 MR. COOK: Object to the form.

24 THE WITNESS: I -- I liter- -- I don't know
25 what you're ref- -- like, what a hashtag is referencing.

1 BY MR. BOIES:

2 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Do you see that?

5

A. Yep.

6

7

Q. Was that a communication goal of the October 27th
Mavs/Voyager launch?

8

MR. COOK: Object to the form.

9

10

11

THE WITNESS: All of these could have been
goals, but I don't know how they were communicated during
the press conference.

12

MR. COOK: Alex, I need to take a break.

13

14

MR. BOIES: Sure, sure, sure, sure. I
will --

15

THE VIDEOGRAPHER: Off of the record, 3:19.

16

(Brief recess taken.)

17

18

THE VIDEOGRAPHER: We're on record. The
time is 3:37.

19

BY MR. BOIES:

20

21

22

23

24

25

Q. And back to this -- this launch outline that --
that you were working on, you know, a few weeks -- at
least two weeks before the launch event. The -- this
document sets forth the communication goals, the
communication strategy, and the communication objectives;
is that correct?

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2 Q. And so everything here is for the overall
3 partnership, not just that one event?

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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[illegible]

[REDACTED] [REDACTED]

Case	Age	Sex	Location	Year	Outcome
1	10	Male	USA	1998	Survived
2	12	Female	USA	2001	Survived
3	15	Male	USA	2003	Survived
4	18	Female	USA	2005	Survived
5	20	Male	USA	2007	Survived
6	22	Female	USA	2009	Survived
7	25	Male	USA	2011	Survived
8	28	Female	USA	2013	Survived
9	30	Male	USA	2015	Survived
10	32	Female	USA	2017	Survived
11	35	Male	USA	2019	Survived
12	38	Female	USA	2021	Survived
13	40	Male	USA	2023	Survived
14	42	Female	USA	2025	Survived
15	45	Male	USA	2027	Survived
16	48	Female	USA	2029	Survived
17	50	Male	USA	2031	Survived
18	52	Female	USA	2033	Survived
19	55	Male	USA	2035	Survived
20	58	Female	USA	2037	Survived
21	60	Male	USA	2039	Survived
22	62	Female	USA	2041	Survived
23	65	Male	USA	2043	Survived
24	68	Female	USA	2045	Survived
25	70	Male	USA	2047	Survived
26	72	Female	USA	2049	Survived
27	75	Male	USA	2051	Survived
28	78	Female	USA	2053	Survived
29	80	Male	USA	2055	Survived
30	82	Female	USA	2057	Survived
31	85	Male	USA	2059	Survived
32	88	Female	USA	2061	Survived
33	90	Male	USA	2063	Survived
34	92	Female	USA	2065	Survived
35	95	Male	USA	2067	Survived
36	98	Female	USA	2069	Survived
37	100	Male	USA	2071	Survived
38	102	Female	USA	2073	Survived
39	105	Male	USA	2075	Survived
40	108	Female	USA	2077	Survived
41	110	Male	USA	2079	Survived
42	112	Female	USA	2081	Survived
43	115	Male	USA	2083	Survived
44	118	Female	USA	2085	Survived
45	120	Male	USA	2087	Survived
46	122	Female	USA	2089	Survived
47	125	Male	USA	2091	Survived
48	128	Female	USA	2093	Survived
49	130	Male	USA	2095	Survived
50	132	Female	USA	2097	Survived
51	135	Male	USA	2099	Survived
52	138	Female	USA	2101	Survived
53	140	Male	USA	2103	Survived
54	142	Female	USA	2105	Survived
55	145	Male	USA	2107	Survived
56	148	Female	USA	2109	Survived
57	150	Male	USA	2111	Survived
58	152	Female	USA	2113	Survived
59	155	Male	USA	2115	Survived
60	158	Female	USA	2117	Survived
61	160	Male	USA	2119	Survived
62	162	Female	USA	2121	Survived
63	165	Male	USA	2123	Survived
64	168	Female	USA	2125	Survived
65	170	Male	USA	2127	Survived
66	172	Female	USA	2129	Survived
67	175	Male	USA	2131	Survived
68	178	Female	USA	2133	Survived
69	180	Male	USA	2135	Survived
70	182	Female	USA	2137	Survived
71	185	Male	USA	2139	Survived
72	188	Female	USA	2141	Survived
73	190	Male	USA	2143	

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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[REDACTED] [REDACTED]

25 Q. And so the goals for the launch were the exact

1 same as the goals of the overall partnership?

2 MR. COOK: Object to the form.

3 THE WITNESS: I -- I can't clearly say that.

4 BY MR. BOIES:

5 Q. On page 2, the bold, "Key Messages," at -- what
6 were the key messages for the launch versus the key
7 messages for the partnership as a whole?

8 [REDACTED]
[REDACTED]
[REDACTED]

11 Q. What does "global international partner of the
12 Dallas Mavericks" mean?

13 [REDACTED]
[REDACTED]
[REDACTED]

16 Q. Did the international designation also have
17 national implications?

18 MR. COOK: Object to the form.

19 THE WITNESS: It would have allowed them to
20 have a -- a broader reach in Year 2.

21 BY MR. BOIES:

22 Q. Could they advertise nationally in Year 2?

23 [REDACTED]
[REDACTED]

25 Q. What are digital assets on a national scale?

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1

2

3

4

5

Q. Was that an important part of the deal to the Dallas Mavericks?

6

7

8

9

A. I can't speak for everyone, but it was our -- it would have been our first international spon- -- partner- -- I mean, sponsorship agreement, so yes.

10

11

12

Q. And being able to reach Mavs fans -- fans nationally is different from what you can do now because of geofencing?

13

MR. COOK: Object to form.

14

15

16

17

BY MR. BOIES:

18

Q. And -- and, generally, who are Mavs fans?

19

MR. COOK: Object to form.

20

THE WITNESS: It's very broad.

21

BY MR. BOIES:

22

Q. Do you have a demographic?

23

A. Still very broad. I mean, it's -- a Mavs fan --

24

Q. Is there an age --

25

A. Someone --

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1 Q. -- age range --

2 A. -- someone --

3 Q. -- that you might -- that you might assign to a
4 Mavs fan?

5 MR. COOK: Hold on.

6 Go ahead and answer his last question, and
7 then answer --

8 THE WITNESS: The age range -- I don't know
9 off the top of my head what our -- our age range
10 demographic is.

11 BY MR. BOIES:

12 Q. Is there a gender?

13 MR. COOK: Object to form.

14 THE WITNESS: It's -- typically, it would
15 skew more male than female, but I don't know the
16 percentage off the top of my head.

17 BY MR. BOIES:

18 Q. What are "avid sports fans of winning teams"?

19 A. Where are you reading that from?

20 Q. How would you, on your -- in your personal -- in
21 your personal interpretation, what is an avid sports fan
22 of a winning team?

23 MR. COOK: Object to the form.

24 THE WITNESS: I don't -- I don't know what
25 my -- someone who follows the team.

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1 BY MR. BOIES:

2 Q. And in this -- in -- in -- in your launch, you
3 were hoping to highlight crypto for all; is that correct?

4 MR. COOK: Object to form.

5 THE WITNESS: I don't recall if that was a
6 main focus of the -- the press announcement.

7 BY MR. BOIES:

8 Q. Was it a focus of the partnership agreement?

9 A. We had --

10 MR. COOK: Object to form.

11 THE WITNESS: We had assets that said:
12 Voyager Crypto For All.

13 BY MR. BOIES:

14 Q. In bullet 3 on the second page, do you see the
15 last sentence where it says: [REDACTED]

17 A. I'm sorry. Where are you at?

18 Q. On --

19 A. Are you on 961?

20 Q. 961, the -- the bullet where's it's the No. 3.

21 A. Oh, No. 3, okay.

22 Q. Sorry. The second No. 3 at the middle of the
23 page, the last sentence of that paragraph, starting with:

24 [REDACTED]

[REDACTED]

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1

2

3

4

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6

7

MR. COOK: Object to form.

8

THE WITNESS: I don't know.

9

BY MR. BOIES:

10

Q. Why might that not want to be included -- why --
11 strike that question.

12

Why might the Mavericks not want to include
13 specific demographics in this launch outline?

14

MR. COOK: Object to form.

15

THE WITNESS: The Ketchum agency, who put
16 this together, highlighted a lot of this stuff, and I
17 don't know. I can't speak for everything that they wrote
18 in this.

19

BY MR. BOIES:

20

Q. But in your experience, limiting the demographic
21 would be -- would not be consistent with crypto for all?

22

MR. COOK: Object to form.

23

THE WITNESS: Again, I didn't -- I didn't
24 put this together.

25

BY MR. BOIES:

1 Q. Did you work on this document?

2 A. I worked on it, but I did not read or --
3 everything that was a part of this. This was -- this was
4 more Erin Finegold's -- I was -- I was aware but I didn't
5 read every single thing on it.

6 Q. Just the first page, comment 3 in the -- in the
7 -- where it says: [REDACTED]

8 [REDACTED]
9 [REDACTED]

10 MR. COOK: Where are you looking?

11 THE WITNESS: Right here (indicating).

12 MR. COOK: Oh, the comments?

13 MR. BOIES: Comment section.

14 MR. COOK: Okay.

15 BY MR. BOIES:

16 Q. "MC," in that context, is Mark Cuban?

17 A. Yes.

18 Q. And so Mark Cuban will be involved in some
19 capacity. Is -- is that distributing digital content via
20 Mavs.com. Is that -- is that -- are those comments
21 referring to that?

22 A. I don't --

23 MR. COOK: Object -- wait. Object to form.

24 THE COURT REPORTER: Repeat your answer.

25 THE WITNESS: I don't know who wrote that,

1 so I can't speak to --

2 BY MR. BOIES:

3 Q. How would you interpret it?

4 MR. COOK: Object to the form.

5 THE WITNESS: I would interpret that Mark
6 will be involved in the press announcement in some
7 capacity.

8 BY MR. BOIES:

9 Q. And so at least two weeks before -- well, that's
10 fine. Okay.

11 MR. BOIES: This is Exhibit 133.

12 (Exhibit 133 was marked for identification.)

13 BY MR. BOIES:

14 Q. Who -- who is this e-mail to?

15 A. To me.

16 Q. From who?

17 A. Erika.

18 MR. COOK: There's a couple e-mails on this
19 page.

20 MR. BOIES: The top e-mail. Sorry.

21 BY MR. BOIES:

22 Q. The top e-mail, the very top says -- this is from
23 Kyle sent 10/13/2021, 6:43.

24 A. Oh, yeah, sorry. I was looking --

25 Q. Who is that e-mail to?

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1 A. That's to Erika and Marla, I'm assuming.

2 Q. Who's Marla?

3 A. To be --

4 Q. Marla Knapp?

5 A. To be honest, I don't remember.

6 Marla? She was involved in some capacity,
7 but it wasn't -- she wasn't someone we dealt with a bunch.

8 Q. The -- the -- the phrase "going to the moon," is
9 that a crypto lingo phrase?

10 A. Yeah.

11 Q. What does that mean?

12 A. It's a -- it was something that they were --
13 during that time, Bitcoin was popular, and they'd say it
14 was going to the moon.

15 Q. What was going to the moon?

16 A. The Bitcoin price.

17 Q. So the price of Bitcoin was going so high that it
18 was -- looked like the charts was pointing upwards towards
19 the moon?

20 MR. COOK: Object to the form.

21 THE WITNESS: I didn't start that
22 vernacular, so I don't know exactly if that was the
23 intent.

24 BY MR. BOIES:

25 Q. But at this time, you were -- you used a lot of

1 crypto lingo at this time?

2 A. That's probably one of the only crypto lingo that
3 I -- that I used.

4 Q. Around this time you also sent --

5 MR. BOIES: I'll give you Exhibit 45.

6 (Exhibit 45 was marked for identification.)

7 BY MR. BOIES:

8 Q. What -- what is this e-mail?

9 A. (Witness examines document.) It's a report that
10 I send to Mark on a weekly basis.

11 Q. Is this the second report you've sent regarding
12 Voyager as a sales report?

13 A. I don't remember what the date is of the other
14 one, but there were two.

15 Q. There were two sales reports prior to the launch?

16 A. No, I mean, I'm saying I've seen two of these.

17 Q. You've seen --

18 A. Yeah.

19 Q. Okay. You've seen two, okay. I have -- I have
20 shown you two.

21 What are -- and -- and black -- the black --
22 the black-out areas are below and above, in your mind,
23 have nothing to do with Voyager, correct?

24 A. Correct.

25 Q. And it would not be your practice to send

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1 anything related to legal opinions and -- and have them,
2 therefore, be blacked out as a result of legal opinion?

3 A. No.

4 MR. COOK: Object to form.

5 BY MR. BOIES:

6 Q. Just -- what were you doing to get players
7 involved in the crypto space?

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Q. Were they?

15 A. Yes.

16 Q. Which players were interested in learning about
17 the crypto space?

18 A. I -- I can tell you the ones that were for sure
19 interested were the ones that came to the partnership --
20 sponsorship announcement.

21 Q. Do you remember which players those were?

22 A. Jalen, Dwight --

23 Q. That's Jalen Brunson --

24 A. Jalen Brunson --

25 Q. -- and Dwight Powell?

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1 A. -- Dwight Powell, Maxi Kleber, Dorian
2 Finney-Smith. Those are the four that...

3 Q. Did -- did they attend the press conference?

4 A. Yes.

5 Q. Did they ask questions at the press conference?

6 A. They asked one question each.

7 Q. Did they come up with that one question each on
8 their own?

9 MR. COOK: Object to form.

10 THE WITNESS: It was provided for them.

11 BY MR. BOIES:

12 Q. Who provided the question for them?

13 A. I don't recall.

14 Q. Was the fact that the questions were provided to
15 them prior ever disclosed?

16 MR. COOK: Object to form.

17 THE WITNESS: I don't -- disclosed to what?

18 BY MR. BOIES:

19 Q. Was -- was the fact that the questions were
20 provided to the players prior to them asking, was that
21 ever disclosed in the press release?

22 MR. COOK: Object to form.

23 THE WITNESS: We -- I don't believe so.

24 BY MR. BOIES:

25 Q. If a person watching the press release heard

1 Jalen Brunson ask a question, would it be their impression
2 that Jalen Brunson came up with that question?

3 MR. COOK: Objection, form.

4 MR. BEST: Objection, form. I mean, you
5 know he can't answer that. I mean, come on.

6 MR. COOK: You're asking his opinion as to
7 somebody watching the video, what they would think?

8 MR. BOIES: What his op- what -- what he
9 would think the impression would be on a viewer.

10 MR. BEST: Right. Objection, form.

11 MR. COOK: Same.

12 MR. BEST: Calls for speculation.

13 THE WITNESS: I don't know what a person
14 watching the video would feel if -- when they were reading
15 a card.

16 BY MR. BOIES:

17 Q. Did they read a card?

18 A. Or answer. I don't --

19 Q. Was -- was the question that was provided to
20 them, was it written on a card or were they told what it
21 would be ahead of time?

22 A. There was a card.

23 Q. And so they were handed a card and read from the
24 card what the question would be --

25 MR. COOK: Object to form.

1 BY MR. BOIES:

2 Q. -- during -- during --

3 A. I believe so.

4 Q. Exhibit 47.

5 (Exhibit 47 was marked for identification.)

6 BY MR. BOIES:

7 Q. In -- in this top e-mail that -- where you write:
8 Yes, she was okay to pay all the guys who showed up for
9 this one.

10 Who is "she"?

11 A. Erika.

12 Q. Who are the guys?

13 A. The players who showed up for the press
14 conference.

15 Q. How much were they paid?

16 A. I don't -- I don't know what -- what they ended
17 up getting paid, and there was -- there was some
18 suggestions, but at the end of the day, we weren't
19 involved in those conversations.

20 Q. On -- on the second page -- and the first
21 question, but on the first page -- the last line on the
22 first page and the entirety of the second page, who
23 answer -- who -- who wrote those answers to those four
24 questions?

25 MR. COOK: Object to form.

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1 THE WITNESS: I -- I wrote this, but I don't
2 know if that's what ended up happening is my point.

3 BY MR. BOIES:

4 Q. Did you suggest that [REDACTED] per player be paid to
5 each player for their participation in this launch?

6 A. That's our normal appearance fee.

7 Q. In this circumstance, how would that normal
8 appearance fee be paid?

9 A. The player would get paid a [REDACTED] fee. And
10 Erika took over those conversations with the players.

11 Q. The -- in that first paragraph on the second
12 page, I guess, the third sentence down: To be honest, the
13 upside right now is in VGX given how high ETH and BTC
14 currently are.

15 Do you see that?

16 A. Yeah.

17 Q. What did you mean by that?

18 A. That they -- if they got paid in VGX, that they
19 would have more crypto, but I don't know if that's how
20 they ended up getting paid.

21 Q. Why was the upside in VGX?

22 MR. COOK: Object to form.

23 THE WITNESS: It was because they -- VGX was
24 a smaller amount.

25 BY MR. BOIES:

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1 Q. Well, what about Doge, was that smaller too?

2 MR. COOK: Object to form.

3 THE WITNESS: That was -- that was just
4 something that -- that was an idea, but, again, it never
5 came to fruition. I don't -- I don't believe that came to
6 fruition.

7 BY MR. BOIES:

8 Q. So when you said to Ryan: Yes, she was okay to
9 pay all the guys who showed up for this one --

10 A. Right. I don't know how they --

11 MR. COOK: Wait. Wait for him to ask a
12 question.

13 BY MR. BOIES:

14 Q. You don't -- do you know if they got paid?

15 A. They did get paid.

16 Q. But you don't know how they got paid?

17 A. Correct. I don't know if they got paid in BTC,
18 Ethereum, or VGX or cash.

19 MR. BEST: And by whom?

20 THE WITNESS: By Voyager.

21 BY MR. BOIES:

22 Q. Would there be individual agreements between
23 Voyager and these individual players for this [REDACTED]
24 appearance fee?

25 MR. COOK: Object to form.

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1 THE WITNESS: I don't know.

2 BY MR. BOIES:

3 Q. At this time, in your experience, was Ethereum
4 and Bitcoin really high?

5 A. I don't recall what point it was on that date.

6 Q. And in Question 2, the -- the question is: What
7 is the exact ask for the event on 10/27/21?

8 Was -- whose attendance -- attended the
9 press conference event, whose attendance was of the exact
10 ask?

11 MR. COOK: Object to form.

12 THE WITNESS: I'm assuming that this is
13 related to the players attending the press conference,
14 given that it says: We can help with some prepared
15 questions or talking points.

16 BY MR. BOIES:

17 Q. So who prepared the players' questions?

18 A. I don't know.

19 Q. Did you prepare the players' questions?

20 A. No.

21 MR. COOK: Object to form.

22 BY MR. BOIES:

23 Q. Did Voyager prepare the questions?

24 A. I don't know.

25 Q. And was there a chat about crypto between Mark

1 and Steve on the 10/27/21 event?

2 A. The press announcement, they discussed crypto in
3 general.

4 Q. In -- what did they discuss, in general, within
5 crypto?

6 A. I -- there was a 30-minute interview. I don't --

7 Q. Did they discuss NFTs?

8 MR. COOK: Object to form.

9 THE WITNESS: I don't -- I don't recall.

10 BY MR. BOIES:

11 Q. Do you know what an NFT is?

12 A. Yes.

13 Q. What is an NFT?

14 A. It's a --

15 Q. What does NFT stand for?

16 A. It's a non-fungible token. Did I get that right?

17 Q. Do you own any N- -- NFTs?

18 A. I believe I have some from the games if we had a
19 ticket, but I don't think I've really ever looked at them;
20 the Mavs, that is.

21 Q. Does -- does Mark own any NFTs?

22 MR. COOK: Object to form.

23 THE WITNESS: I'm not Mark; I don't know.

24 BY MR. BOIES:

25 Q. Do you know what lazy.com is?

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1 A. It's a NFT website.

2 Q. Through your experience with the Mavericks, have
3 you come across lazy.com/MCuban before?

4 MR. COOK: Object to the form.

5 THE WITNESS: I -- I -- it -- would be
6 guessing that I've gone to that page at some point in
7 time, if there -- if there's a page.

8 MR. BOIES: All right. Exhibit 48.

9 (Exhibit 48 was marked for identification.)

10 BY MR. BOIES:

11 Q. The second e-mail down, Erin Finegold White is
12 sending an e-mail to Erika and Stephanie from Invest
13 Voyager and then cc'ing Ketchum, Collin, Kyle.

14 Do you see that?

15 A. The "Hey, Marla and team"?

16 Q. Yes.

17 A. Yeah.

18 Q. Do you see at the end: We will def need info on
19 the educational portion and the planted questions for each
20 of the players we have on the list so far.

21 Do you see that?

22 A. Yes.

23 Q. The planted questions, were those the same
24 prepared questions we previously discussed?

25 MR. COOK: Object to form.

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1 THE WITNESS: I would assume so.

2 BY MR. BOIES:

3 Q. Were those planted questions asked by those
4 players at that press conference?

5 MR. COOK: Object to form.

6 THE WITNESS: Say that again.

7 BY MR. BOIES:

8 Q. Were those planted questions, as referenced --

9 A. Yep.

10 Q. -- in this e-mail, asked by those players,
11 whoever they were, at that press conference?

12 A. I don't know.

13 Q. Were questions asked by players at the press
14 conference?

15 MR. COOK: Objection, repetition.

16 MR. BOIES: Well, he's got -- he said --

17 MR. COOK: How many times does he have to
18 tell you --

19 THE WITNESS: I don't know.

20 MR. COOK: -- he was there, he watched the
21 players read cards and answer questions, Alex. I mean,
22 come on.

23 MR. BOIES: He should say "I don't know."

24 MR. COOK: You're saying -- asking about
25 these e-mails and whether these questions are the same as

1 the ones he asked at the press conference. That's
2 different.

3 MR. BOIES: No, there's no -- there's no
4 these -- the questions are the planted questions. Were
5 the questions that --

6 BY MR. BOIES:

7 Q. Were the questions asked by the players, planted
8 questions?

9 A. Right. I just -- if you're inferring there are
10 questions in here, I don't know if that was the case. But
11 there are players --

12 Q. There was no inference of that.

13 A. There are players that did answer questions, or
14 asked questions.

15 Q. Were those questions planted questions?

16 MR. COOK: Object to the form.

17 THE WITNESS: I said this; they -- they gave
18 them questions.

19 BY MR. BOIES:

20 Q. Will you switch to -- will you flip to page 4, or
21 333 on the bottom right corner?

22 A. The list?

23 Q. Yes. What are those? What is that?

24 A. Those --

25 MR. COOK: Object to form.

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1

THE WITNESS: [REDACTED]

2

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4

5

BY MR. BOIES:

6

7

Q. Do any of those media outlets -- strike that question.

8

9

When those media outlets covered -- covered the press release --

10

MR. COOK: Object to the form.

11

BY MR. BOIES:

12

13

Q. I haven't asked anything yet. Sorry. That was not the question.

14

MR. COOK: Okay.

15

BY MR. BOIES:

16

17

Q. Those media outlets that covered the press release, were they geofenced?

18

MR. COOK: Object to the form.

19

THE WITNESS: I don't know.

20

BY MR. BOIES:

21

22

Q. Are any of these media outlets national news outlets?

23

MR. COOK: Object to form.

24

25

THE WITNESS: I don't -- I don't know each of these distribution.

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1 BY MR. BOIES:

2 Q. Can I -- do you think I can access Mavs.com in
3 New York?

4 A. Yes.

5 Q. Does Texas Monthly have a national reach?

6 MR. COOK: Object to the form.

7 THE WITNESS: I don't know.

8 BY MR. BOIES:

9 Q. Was the intent of inviting all of these media
10 outlets to get national coverage on this press release?

11 MR. COOK: Object to form.

12 THE WITNESS: The intent was to announce the
13 partnership; it's -- was not to be -- we were telling all
14 of our Mavs fans.

15 BY MR. BOIES:

16 Q. You were telling all of your Mavs fans nationwide
17 that this partnership existed --

18 MR. COOK: Object to the form.

19 BY MR. BOIES:

20 Q. -- and was launching?

21 MR. COOK: Object to the form.

22 THE WITNESS: We -- we -- yes, we announced
23 the partnership.

24 BY MR. BOIES:

25 Q. To all -- okay. Good.

1 MR. BOIES: This is Exhibit 49.

2 (Exhibit 49 was marked for identification.)

3 BY MR. BOIES:

4 Q. Do you know what a CTA is in this context?

5 A. Call to action.

6 Q. What is a call to action within the meaning of
7 the Dallas Mavericks?

8 A. [REDACTED]
[REDACTED]
[REDACTED]

11 Q. Is --

12 A. It's -- it's an offer just to our Mavs fan.

13 Q. Is a CTA an asset?

14 A. It's a broad term for a promotional message.

15 Q. When we were back on the deal sheet a while ago,
16 there were line items for assets that had rate cards
17 and -- and hard costs and things like that.

18 Is a CTA, or a promo like this, one of those
19 line items?

20 A. It would have been one of the promotional
21 deliverables in the contract.

22 Q. And what is MAVS100?

23 A. That was an offer that Voyager put together.

24 Q. Was it a success?

25 A. Yes.

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1 Q. Did fans all over the country use it to sign up
2 for Voyager?

3 MR. COOK: Object to form.

4 THE WITNESS: I can't answer that.

5 BY MR. BOIES:

6 Q. Was it available to fans all over the country?

7 MR. COOK: Object to form.

8 THE WITNESS: The intent of all of our
9 promotions is to work within the sponsorship territory of
10 our promotional vehicles, so...

11 BY MR. BOIES:

12 Q. I apologize. I'm going to ask it again.

13 Was the MAVS100 promo available to fans all
14 over the country?

15 MR. COOK: Object to form.

16 THE WITNESS: We -- we can't control if
17 somebody outside of our territory were to have received
18 this message, but the intent of the Sponsorship Agreement
19 is to target our fans inside our marketing territory.

20 BY MR. BOIES:

21 Q. When you talk about the international -- the
22 first international partner as a component of this deal --

23 [REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q. Was Voyager an international company as you saw
it before -- when you were doing -- when you were going
through the negotiations?

MR. COOK: Object to form.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

BY MR. BOIES:

Q. Did your Sponsorship Agreement contemplate how it
could use national advertisements if Voyager were able to
reach international company status?

MR. COOK: Object to the form.

THE WITNESS: [REDACTED]

[REDACTED]

BY MR. BOIES:

Q. Did you ever have those conversations?

A. I don't recall.

MR. BOIES: This is Exhibit 17.

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1 BY MR. BOIES:

2 Q. The first -- well, this e-mail is addressed to
3 you and Mark Cuban. It says: Hey, Mark.

4 Correct?

5 A. I was --

6 Q. At the very top of the e-mail.

7 A. I believe she is replying to a previous e-mail of
8 mine.

9 Q. On the third page -- we're at the end of her
10 e-mail -- the player questions, and it says: Dorian
11 Finney-Smith, Dwight Powell, Maxi Kleber, Jalen Brunson,
12 Frank Ntilikina, Reggie Bullock, correct?

13 A. Yep, these are the questions.

14 Q. Were these questions asked at the event?

15 A. I believe all of them were asked, outside of
16 Reggie. I don't believe he was in attendance.

17 Q. Is Frank "Ntilikina" --

18 A. "Ntilikina." It's hard.

19 Q. I know. We used to call him the French Prince --

20 A. Yeah.

21 Q. -- when he played for the Knicks. Is he -- is he
22 from outside the United States?

23 A. He's from France, hence the hard name pronounced.

24 Q. And hence the French Prince.

25 Was this question planted for him because he

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1 was from France?

2 MR. COOK: Object to the form.

3 THE WITNESS: I don't know why they asked
4 that question.

5 BY MR. BOIES:

6 Q. Did they give questions to players that might
7 have their own following?

8 MR. COOK: Object to form.

9 THE WITNESS: I -- I don't -- I wasn't
10 involved in these, so I -- I don't know the intent behind
11 them.

12 BY MR. BOIES:

13 Q. And on the first page, on the schedule, sort of,
14 Mark Cuban is first; is that correct?

15 A. No. Erika welcomed everyone: We are ready to
16 get started. We would like to introduce you to the
17 governor of the Dallas Mavericks, Mark Cuban, and the CEO
18 of Voyager, Stephen Ehrlich.

19 Q. During the press conference, who announced the
20 partnership?

21 A. I believe it was our governor, Mark Cuban.

22 Q. When you say "governor," is he more than a
23 governor?

24 MR. COOK: Object to the form of the
25 question.

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1 THE WITNESS: Yeah. I don't --

2 BY MR. BOIES:

3 Q. Does he have more than one role with the
4 Mavericks, other than governor of the Mav- --Dallas
5 Mavericks?

6 MR. COOK: Object to form.

7 THE WITNESS: I don't think. I mean, he's
8 our governor.

9 BY MR. BOIES:

10 Q. Does owner and -- is every owner of a basketball
11 team also a governor of that basketball team?

12 MR. COOK: Object to form.

13 THE WITNESS: They -- I believe, they
14 changed the name "owner" to "governor" several years ago.
15 So it's kind of, like, sponsor and partner, they're used
16 in the same sense.

17 MR. BOIES: Exhibit 23.

18 BY MR. BOIES:

19 Q. Is this the --

20 MR. BOIES: I gave you two.

21 BY MR. BOIES:

22 Q. Is this the press release?

23 MR. COOK: Object to form.

24 THE WITNESS: Appears to be.

25 BY MR. BOIES:

1 Q. And on the first page on the fourth paragraph of
2 the -- of the news release, it has a quote from
3 Mark Cuban. In the second -- in the third sentence of
4 that quote, it says: We believe our partnership with
5 Voyager will allow Mavs and NBA fans to learn more about
6 Voyager and how they can earn more from Voyager's platform
7 than from traditional financial applications.

8 In reading that quote, do you think that
9 this news release was targeted at more than just Mavericks
10 fans, but also NBA fans as a whole?

11 MR. COOK: Object to form.

12 THE WITNESS: Mark is much more smart than I
13 am, so I can't speak to his brilliance.

14 BY MR. BOIES:

15 Q. Mark being brilliant, as he is, would have not
16 included NBA fans if he didn't mean NBA fans; is that
17 correct?

18 MR. COOK: Object to form. Come on.

19 THE WITNESS: NBA fans could easily be in
20 the marketing territory that we have.

21 BY MR. BOIES:

22 Q. Are there a lot of NBA fans in your marketing
23 territory that are not Mavericks fans?

24 MR. COOK: Object to form.

25 THE WITNESS: I don't know.

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1 BY MR. BOIES:

2 Q. In the -- the second phrase of that: How they
3 can earn more from Voyager's platform than from
4 traditional financial applications.

5 To you, what did that mean?

6 MR. COOK: Object to form.

7 THE WITNESS: Once again, I'm not as smart
8 as Mark. I can't attest to what that is supposed to mean.

9 BY MR. BOIES:

10 Q. Did that have anything to do with the 7 percent
11 staking reward?

12 MR. COOK: Object to form.

13 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

16 MR. BOIES: Exhibit 50.

17 (Exhibit 50 was marked for identification.)

18 THE WITNESS: It's getting to be a big pile.

19 MR. BOIES: Well, I'm getting little over
20 here, so we're working towards the end.

21 BY MR. BOIES:

22 Q. This e-mail was sent by you on November 3rd,
23 2021; is that correct?

24 A. So it appears.

25 Q. The contract had been executed at this point,

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1 correct?

2 A. I believe so.

3 Q. Had all the deliverables by the Dallas Mavericks
4 been set out in the contract?

5 MR. COOK: Object to form.

6 THE WITNESS: [REDACTED]

[REDACTED]

[REDACTED]

9 BY MR. BOIES:

10 Q. So there may be more promotional assets that are
11 added onto the contract that were not a part of the
12 contract at the time of making it?

13 MR. COOK: Object to the form.

14 THE WITNESS: We were working on various
15 promotions during the -- during the contract.

16 BY MR. BOIES:

17 Q. Was one of them being able to meet Mark Cuban?

18 [REDACTED]

19 Q. Okay. In that last sentence that you write: We
20 could fly the fans into the game, have them meet MC, et
21 cetera, make it a really cool promotion.

22 What did you mean by that?

23 [REDACTED]

[REDACTED]

25 Q. Is it because Mark Cuban wanted nothing to do

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1 with this?

2 MR. COOK: Object to form.

3 THE WITNESS: I don't know.

4 BY MR. BOIES:

5 Q. Would he want to meet a fan?

6 MR. COOK: Object to form.

7 THE WITNESS: I -- I can't answer that.

8 BY MR. BOIES:

9 Q. In your experience, is he very personable and
10 ready to meet fans when promotions come up?

11 MR. COOK: Object to form.

12 THE WITNESS: He meets fans at games.

13 MR. BOIES: Getting close. Getting close.

14 Exhibit 51.

15 (Exhibit 51 was marked for identification.)

16 BY MR. BOIES:

17 Q. Did you write this e-mail?

18 A. Yep.

19 Q. How did you -- were you tracking Voyager's market
20 cap prior to the deal?

21 A. I don't recall if it was prior to the deal, but
22 I, obviously, was doing it after to see how the -- how the
23 -- the performance.

24 Q. What metric were you using to calculate this
25 2.8 million and 800 million?

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1 A. I don't recall what source I was looking at.

2 Q. Was Voyager publicly traded at this time?

3 A. I don't re- -- I believe they were on -- I
4 believe so, yes.

5 Q. Were you, in this e-mail, attributing the
6 increase from \$2 billion to \$2.8 billion to the launch of
7 the Mavericks and Voyager partnership?

8 A. We would probably love to take credit for that,
9 but that's not what the reality is. We were just tracking
10 it as a performance metric.

11 Q. Is this another sales report you sent to Mark
12 after the launch of the Voyager/Mavericks partnership?

13 A. Appears to be, 11/8.

14 MR. BOIES: Exhibit 22.

15 BY MR. BOIES:

16 Q. In the third sentence, it says: They said they
17 had over 75K downloads with fans who use MAVS100 to claim
18 offer.

19 Do you see that?

20 A. Yep.

21 Q. What does that mean to you?

22 A. That it was a successful sponsorship
23 announcement -- program.

24 Q. Does it mean that 75,000 people downloaded the
25 Voyager and used MAVS100?

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1 A. So they had told us.

2 Q. And it says: Over 30,000 people funded the
3 account to claim the hundred-dollar offer, and still
4 counting?

5 A. Correct.

6 Q. The offer was only limited, correct?

7 A. It was a 48-hour window.

8 Q. So how could they still be counting?

9 A. They had people on a waitlist.

10 Q. So if you signed up three weeks after, you
11 wouldn't get the \$100, but you would still get your
12 account, and you would still get the data that they signed
13 up with the MAVS100 account?

14 MR. COOK: Object to form.

15 THE WITNESS: That was a two-part question.
16 Can you ask one at a time?

17 BY MR. BOIES:

18 Q. Sure.

19 So if you signed up three weeks after the
20 limited time, you could -- you would still get an account,
21 correct?

22 A. I'll correct you that it was the people who were
23 on the wait list were people who signed up during that
24 48-hour window, but from what they told us, is they have
25 to go in and validate each customer, and there was a -- --

1 that takes a while, so they had to put people on a wait
2 list to verify each individual account.

3 Q. To make sure that they were a new account?

4 MR. COOK: Object to form.

5 THE WITNESS: I don't know.

6 BY MR. BOIES:

7 Q. Was one of the necessary parts of the MAVS100 to
8 be a new account?

9 A. I don't recall if that was a stipulation.

10 Q. Earlier, we discussed that you had a Mav- -- a
11 Voyager account prior to this launch.

12 Were you able to use the MAVS100 account and
13 get \$100 into your account?

14 MR. COOK: Object to form.

15 THE WITNESS: I did not use the MAVS100
16 account. To be honest, I don't know what coup- -- code I
17 used. I wish I would have waited, but I didn't.

18 BY MR. BOIES:

19 Q. And it says: Overall, they had 175,000 downloads
20 for first week.

21 Now, that extra hundred thousand downloads
22 from the -- from the two sentences above it, is that just
23 from people who didn't use the MAVS100 code. Is that a
24 fair reading of your words?

25 A. I can't -- I'm just relaying information that

1 they shared with me. I -- I don't know what the context
2 of what those 175,000 were.

3 Q. And that they had over 1 billion impressions on
4 the partnership announcement in addition to the
5 hundred-thousand-dollar crypto give-away half-court shot?

6 A. Yes. The PR agency mentioned that they had a
7 billion impressions for the weekend of the -- of that
8 48-hour period.

9 Q. Were you excited about the success of this
10 launch?

11 MR. COOK: Object to form.

12 THE WITNESS: Yes.

13 BY MR. BOIES:

14 Q. Could you have had a better launch?

15 MR. COOK: Object to form.

16 THE WITNESS: I believe it says, later, we
17 could not have had a better launch.

18 BY MR. BOIES:

19 Q. When did the Voyager -- I'll just quickly,
20 Exhibit 52.

21 (Exhibit 52 was marked for identification.)

22 BY MR. BOIES:

23 Q. Did you continue coming up with new ideas for
24 Voyager after the launch?

25 A. They had a few promotional opportunities that we

1 were finalizing.

2 Q. And in the second sentence -- in the second page
3 on your e-mail, where you're sending it to Ryan and
4 Spencer and Jonathan, you -- you say that: We've already
5 had a home run with the shooting promotion?

6 A. Yes.

7 Q. What is that?

8 A. That was the half-court shot that received an
9 enormous amount of coverage.

10 Q. Was that half-court shot covered by ESPN?

11 A. I believe so, yes.

12 Q. Was it a top-ten play?

13 A. I believe it made it to that, yes.

14 Q. Did it get national coverage?

15 A. I believe it was on their network, so... but
16 that's not something we control.

17 Q. Correct. But when a -- when you hit a home run,
18 under certain circumstances, it might have national
19 appeal, correct?

20 MR. COOK: Object to the form.

21 THE WITNESS: The intent of the sponsorship
22 deal is to market to the fans, and specifically at that
23 game who saw that shot, so that was the intent of the
24 sponsorship agreement.

25 BY MR. BOIES:

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1 Q. When you created the sponsorship agreement, did
2 you think there was a good chance he'd hit the half-court
3 shot?

4 MR. COOK: Object to the form.

5 THE WITNESS: It was a very hard task to --
6 to do that. So I -- would have -- would have hoped for it
7 to happen, but I didn't think it would have happened.

8 BY MR. BOIES:

9 Q. Do you -- do you assign probabilities to things
10 like that?

11 A. I don't.

12 Q. When -- when you're doing expected outcomes and
13 expected values of future events, do you, you know,
14 multiply the cost of something by the percentage of it
15 occurring?

16 A. No.

17 Q. Do you know how Mark Cuban feels about the Dallas
18 Stars?

19 MR. COOK: Object to the form.

20 THE WITNESS: I don't.

21 BY MR. BOIES:

22 Q. Do you do any promotions with your clients with
23 the Dallas Stars?

24 A. There are shared accounts across the Mavs COC and
25 the Stars.

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1 MR. BOIES: Exhibit 53.

2 (Exhibit 53 was marked for identification.)

3 BY MR. BOIES:

4 Q. Is -- is this an e-mail where Mark Cuban is
5 responding to a sales report that you sent to him?

6 A. It appears to be.

7 Q. And in the body of your e-mail where it says,
8 "Voyager Status Meeting, we've had some additional
9 conversations with Voyager about getting some additional
10 funds for the AAC/Stars."

11 What -- what were those conversations?

12 MR. COOK: Object to form.

13 THE WITNESS: I don't recall exactly what
14 those conversations were about.

15 BY MR. BOIES:

16 Q. And in the -- in the first -- in Mark's response
17 to you, he says: And on the Stars, I have no interest in
18 getting money for the Stars. Zero. None. Double extra
19 zero.

20 What did that mean to you?

21 MR. COOK: Object to form.

22 THE WITNESS: I don't know his -- his
23 intent, but clearly the assumption would be is he doesn't
24 want us to help sell for the Stars.

25 BY MR. BOIES:

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1 Q. Why particularly Voyager?

2 MR. COOK: Object to the form.

3 THE WITNESS: Can you ask that in a
4 different way?

5 BY MR. BOIES:

6 Q. What is -- what is "AAC"?

7 A. The American Airlines Center.

8 Q. Do other teams, other than you and the Stars,
9 play in the American Airlines Center?

10 A. It's only the Mavs and the Stars from a
11 professional team standpoint.

12 Q. And -- and American Airlines is a partner of
13 both, correct?

14 A. Correct.

15 Q. Why would -- why would Mark want to keep Voyager
16 separate from the Stars?

17 MR. COOK: Object to the form.

18 THE WITNESS: I don't know the intent of
19 Mark.

20 BY MR. BOIES:

21 Q. In the second sentence -- paragraph, the second
22 sentence of the second paragraph, what does that say?

23 A. "I don't want any money going to the AAC when it
24 could come to the Mavs" --

25 Q. No, no, no, the next paragraph --

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2 Q. -- second sentence of the next paragraph.

6 Q. What is he referring to?

8 THE WITNESS: I don't -- I can't speak for
9 his intent.

11 Q. Who is "we"?

13 THE WITNESS: Still can't speak to that.

15 Q. In your interpretation, because he's responding
16 to your e-mail, is "we" you and him --

18 BY MR. BOIES:

20 MR. COOK: Object to the form.

22 BY MR. BOIES:

23 Q. No. I'm asking you to tell me what you thought
24 at the time you received this e-mail, what you thought
25 "we" meant in that context?

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1 MR. COOK: Object to form.

2 THE WITNESS: That the -- that "we" would be
3 encompassing of the Mavs.

4 BY MR. BOIES:

5 Q. Another -- could -- could -- did you read it as:
6 The Mavericks crushed it for them, and a lot of it was
7 because I endorsed it?

8 A. I believe --

9 MR. COOK: Object to the form.

10 THE WITNESS: We -- "we crushed it for them"
11 would be as the Dallas Mavericks.

12 BY MR. BOIES:

13 Q. And "because I endorsed it," "I" is Mark Cuban?

14 A. I can't speak to his...

15 Q. How did you interpret these words as the
16 recipient of this e-mail?

17 MR. COOK: Object to the form.

18 THE WITNESS: That he helped announce the
19 partnership.

20 BY MR. BOIES:

21 Q. And that -- and the partnership was -- the launch
22 was a success, correct?

23 MR. COOK: Object to the form.

24 THE WITNESS: There were a lot of variables
25 of why the sponsorship was a success.

1 BY MR. BOIES:

2 Q. And Mark is telling you that a lot of that was
3 because he endorsed it?

4 MR. COOK: Object to the form. You asked
5 Mark about this.

6 MR. BOIES: I didn't.

7 MR. COOK: Your partners did.

8 MR. BOIES: I didn't.

9 MR. COOK: Why are we going through his
10 speculation about what Mark meant when you asked him
11 directly.

12 MR. BOIES: He received this and how --

13 MR. COOK: What difference does it make,
14 Alex? You can ask, and did ask Mark about it. So this is
15 dragging on way too long.

16 MR. BOIES: How much time do I have on the
17 record?

18 THE VIDEOGRAPHER: 5 hours, 31 minutes.

19 MR. BOIES: Sounds like I'll be here for
20 another hour and 29 minutes.

21 MR. COOK: Take your time.

22 MR. BOIES: If you want to do it like that.

23 MR. BEST: We're going to be here actually a
24 lot longer than that, but keep going. You take as much
25 time as you need.

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1 MR. BOIES: This is Exhibit 7.

2 BY MR. BOIES:

3 Q. What is this?

4 MS. WOLKINSON: Sorry. 7?

5 MR. BOIES: Exhibit 7.

6 MS. WOLKINSON: Thank you.

7 THE WITNESS: This appears to be the
8 Sponsorship Agreement.

9 BY MR. BOIES:

10 Q. And on page 2855, bottom right --

11 A. (Witness examines document.) Okay.

12 Q. -- under "Signage," is signage something you deal
13 with?

14 A. Yes, collectively.

15 Q. Collectively.

16 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

Q. So there are deliverables within the contract that you don't deliver because, on your end, it's not good?

MR. COOK: Object to form.

THE WITNESS: We were -- we were going to try to at some point integrate into the app, but as we learned, it was harder than we anticipated whenever we were looking at putting this deliverable into the -- into the contract.

1 BY MR. BOIES:

2 Q. Did you provide a discount to Voyager thereafter
3 as a result of not being able to give them one of the
4 deliverables that had been promised?

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 Q. Would a substitute replacement asset for them be
9 something that's not listed in this contract and be an
10 additional contract deliverable?

11 [REDACTED]
12 [REDACTED]
13 Q. So you could just bolster another part of the
14 contract to help -- another line item of the contract to
15 make up for not giving them a different part of the
16 contract?

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 A. Yep.

24 Q. Was that ever delivered?

25 A. [REDACTED]

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Q. Do you know who they played that game?

6

A. No, I don't. If I'm guessing, it was the Spurs.

7

8

Q. Who were they playing when he hit the half-court shot?

9

10

A. I don't recall. If -- I don't know. Philly? I don't know.

11

Q. Did that promotion for that last game go forward?

12

13

A. We -- yes, we had some sort of promotion for the -- for the end of the season.

14

Q. When is last game of the season, approximately?

15

A. Mid-April.

16

17

Q. At the time when that promotion occurred, was that a -- a national promotion?

18

19

20

21

22

Q. What were your nationwide promotions related to Voyager?

23

MR. COOK: Object to the form.

24

25

THE WITNESS: We didn't end up having the -- any of these national promotions.

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2. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

10	MR. COOK: Object to form.
----	---------------------------

12 BY MR. BOIES:

15	A. No.
----	--------

17 A. No, I don't believe so.

19 MR. BOIES: Yes.

Q. Did Voyager give you demographics about where people signed up with the MAVS100 code?

305-376-8800

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1 Q. Did Voyager give you the location --

2 A. Ahh.

3 Q. -- of where people signed up with the MAVS100
4 code?

5 A. So demographics is different than location, just
6 FYI, in my opinion. And then the answer is: I don't
7 recall if they gave us information on where the location
8 of the fans that were waitlisted were.

9 MR. BOIES: Example 53 -- example.
10 Exhibit 53-A.

11 (Exhibit 53-A was marked for
12 identification.)

13 BY MR. BOIES:

14 Q. Do you know what this company is?

15 THE WITNESS: Bless you.

16 Yes.

17 BY MR. BOIES:

18 Q. Okay. Is it in any way related to Voyager?

19 A. Absolutely not.

20 Q. Did -- do you know what led Mark Cuban to come to
21 the conclusion that this is not a real company?

22 A. I can't speak to his intent. You'd have to ask
23 him.

24 Q. Was there due diligence done by you on this
25 company?

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1 A. Yes.

2 Q. Did you think this was a real company?

3 A. I'm not as smart as Mark, and so he knows a lot
4 more about this than I do, so my due diligence would have
5 been lacking in comparison to his.

6 Q. In the fifth line down in Mark's e-mail: But if
7 they want to buy ads to promote themselves in the
8 straightforward deal for advertising, that's fine.

9 How did you interpret that?

10 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

17 Q. Would an advertising agreement with this company
18 be a sponsorship agreement?

19 MR. COOK: Object to the form.

20 THE WITNESS: Sponsorship, yes.

21 BY MR. BOIES:

22 Q. So if they -- if that had -- did they ever buy
23 ads to promote themselves?

24 A. No.

25 Q. If they had bought ads to promote themselves and

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1 they be -- and they were able to get a sponsorship
2 agreement, would they internally be referred to as
3 partners?

4 MR. COOK: Object to form.

5 THE WITNESS: That never happened, so I --
6 it's speculating.

7 MR. BOIES: Here's Exhibit 54.

8 (Exhibit 54 was marked for identification.)

9 (Off-record discussion.)

10 BY MR. BOIES:

11 Q. It's the --

12 A. Jesus.

13 Q. When did the partnership end?

14 A. I don't know the exact date off the top of my
15 head.

16 Q. Did it end after November 10th, 2021?

17 A. Yes, it ended after November 10th, 2021.

18 Q. Did it end after November 10th, 2022?

19 A. It would have ended between the summer of --
20 after playoffs, June, July, August. I just -- I don't
21 know the exact date.

22 Q. And did you continue to give them deliverables
23 from November of 2021 until June, July, August of 2022?

24 A. We continued to perform our side of the
25 deliverables so that we were not in breach of contract.

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1 Q. There's just one or two more things I want to get
2 to.

3 MR. BOIES: Exhibit 55.

4 (Exhibit 55 was marked for identification.)

5 BY MR. BOIES:

6 Q. What is -- who is Murphy DiRosa?

7 A. I know this is going to sound bad, but...

8 (Reading sotto voce.)

9 I don't even -- I don't recall who this
10 person is.

11 Q. Please see below for my -- for some of my
12 comments.

13 You see where he wrote that?

14 A. Yeah.

15 Q. Which are your comments?

16 A. (Reading sotto voce.) Voyager...

17 (Reading sotto voce.)

18 So, I think -- okay. I do know who this is
19 now. Which -- are -- my comments are the -- the ones that
20 are beneath the underlined assets.

21 Q. So she wrote the underlined assets, and you wrote
22 the bullet points?

23 A. I'm saying mine are the -- are in there.

24 Q. I don't know exactly which ones are yours --

25 A. Right.

1 Q. -- which ones are hers.

2 What's VGX?

3 [REDACTED]

4 [REDACTED]

5 Q. Would the -- would a VGX hub be what you were
6 talking about as the gaming use -- the Mavs gaming
7 facility?

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. Why?

12 A. It wasn't a legal -- they weren't allowed --
13 their legal team did not allow it. I don't know why, but
14 that was -- that's all -- that's all we heard at some
15 point.

16 MR. BOIES: Exhibit 56, take a look at that.

17 (Exhibit 56 was marked for identification.)

18 BY MR. BOIES:

19 Q. So did this e-mail happen after the last e-mail?

20 MR. COOK: Which e-mail?

21 BY MR. BOIES:

22 Q. Yeah, sorry. Sorry. The e-mail from Kory Nix to
23 Ryan, Kyle, Clay, Billy, Patrick and Spencer, at the very
24 top?

25 A. Yes.

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1 Q. This e-mail chain occurred in February; is that
2 correct?

3 A. Correct.

4 Q. The previous e-mail chain I gave you was in
5 January, correct?

6 A. Correct.

7 Q. When Kory -- who is Kory responding to after --
8 who is Kory responding to?

9 A. Looks like he's sending correspondence to Mackey
10 and us.

11 Q. And before that, what prompted those responses?

12 MR. COOK: Object to form.

13 THE WITNESS: I need to read this.

14 (Witness examines document.)

15 We were -- we were going through an approval
16 process of working with our marketing team, our gaming
17 team, our branding team on the name of the gaming hub that
18 ultimately did not happen.

19 BY MR. BOIES:

20 Q. Did -- in the -- in the e-mail before, did
21 Cynt Marshall send you this e-mail regarding the name of
22 the "VGX Home of Mavs Gaming"?

23 A. Yeah. There was about a month period where we
24 were internally deliberating which name we would like to
25 present to Voyager for -- for the naming rights, and they

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1 were -- we were, obviously, about a month to deliberate
2 which name we were going to take before we brought that
3 name to them.

4 Q. And once you brought that name to them, that is
5 when legal at Voyager said: No, we can't use that name?

6 A. Correct.

7 Q. And they did not explain why they could not use
8 that name?

9 MR. COOK: Object to form.

10 THE WITNESS: They -- no, I don't know the
11 answer to that.

12 BY MR. BOIES:

13 Q. Do you have any inkling that it might be related
14 to that VGX is the name of its token?

15 MR. COOK: Object to form.

16 THE WITNESS: They didn't give us a reason.

17 BY MR. BOIES:

18 Q. Did they tell you not to do it over e-mail or
19 over the phone?

20 A. Sorry. Say that again.

21 MR. COOK: Yeah. Objection. Vague and
22 ambiguous.

23 BY MR. BOIES:

24 Q. Did Voyager tell you not to name the VGX Home of
25 Mavs Gaming in an e-mail or over the phone?

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1 A. I don't recall.

2 MR. BOIES: Exhibit 57.

3 (Exhibit 57 was marked for identification.)

4 BY MR. BOIES:

5 Q. On the last page, did Mavs gaming ever wear these
6 jerseys --

7 A. Yes.

8 Q. -- to your knowledge?

9 A. Yes.

10 MR. BOIES: Exhibit 58.

11 (Exhibit 58 was marked for identification.)

12 BY MR. BOIES:

13 Q. Why was Kevin Spann asking you to approve this
14 space app?

15 MR. COOK: Object to the form.

16 THE WITNESS: I don't recall.

17 BY MR. BOIES:

18 Q. And this is April 7th, 2022; is that correct?

19 A. Yep.

20 Q. Was this playoffs yet?

21 A. No.

22 Q. Do you have any idea what this was in -- what
23 this would be used for?

24 A. I don't.

25 MR. COOK: Object to form.

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1 THE WITNESS: I don't know the specific
2 reason.

3 BY MR. BOIES:

4 Q. What are 96-by-96 proofs usually used for?

5 A. They are a backdrop for a large space.

6 MR. BOIES: Exhibit 63.

7 BY MR. BOIES:

8 Q. What -- what did I just give you?

9 A. 59.

10 MR. COOK: 59.

11 MR. BOIES: I said 63. Excuse me. Excuse
12 me. I'm getting a little sloppy.

13 THE WITNESS: Time to leave.

14 (Exhibit 59 was marked for identification.)

15 BY MR. BOIES:

16 Q. Exhibit 59, what is this e-mail?

17 A. It was another sales report to Mark.

18 Q. And blacked-out area, that is it's because of a
19 company not at all related to Voyager?

20 A. Once again, the same answer.

21 Q. I don't know what that -- sorry. Just give me --
22 sorry.

23 A. No.

24 MR. COOK: Would you read the question back
25 again and then answer the question.

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1 BY MR. BOIES:

2 Q. The --

3 MR. COOK: I think he misunderstood the
4 question.

5 BY MR. BOIES:

6 Q. Sure. This blacked-out area, this is not
7 covering any -- sorry. This -- this blacked-out area is
8 covering other companies that you work with that have
9 nothing to do with Voyager, correct?

10 A. Correct.

11 Two partners.

12 Q. Were you still providing deliverables to Voyager
13 at this time?

14 A. On 6/13 we were still meeting to discuss the
15 following 16.

16 Q. Do you know when the Mavs lost to the Suns last
17 year, before or after this date?

18 A. We lost to the Warriors.

19 Q. Warriors.

20 When you lost to the Warriors -- when did
21 you lose -- do you know when you lost to the Warriors last
22 year?

23 A. I don't know the exact date. It would have -- it
24 would have been around this time.

25 Q. And did you -- and did -- would this have

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1 A. No.

2 Q. Did the Mavericks ever market or promote
3 Voyager's Earned Program account?

4 A. No.

5 Q. Did that -- the Earned Program account ever come
6 up during the negotiations of the sponsorship agreement?

7 A. It was never a consideration.

8 Q. I'm going to ask you to take a look at
9 Exhibit 53-A. It should be in the stack in front of you
10 there. Right there.

11 A. Which one was it, 53?

12 Q. 53-A.

13 A. Oh, man, you're going to have to make me go
14 through this.

15 THE WITNESS: Did you put these in order?

16 THE COURT REPORTER: (Shakes head
17 negatively.)

18 THE WITNESS: Oh, I was going to say.

19 MR. COOK: That's it.

20 THE WITNESS: Great.

21 BY MR. COOK:

22 Q. It's the one with the redactions on it?

23 A. Yes.

24 Q. Okay. This is an e-mail from Mark to you copying
25 some other folks?

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1 A. Yes.

2 Q. And it's the one that has the company name
3 redacted?

4 A. Yes.

5 Q. Okay. For purposes of my questions, I'm going to
6 use "Company A" as the name of the company.

7 Do you recall what Mr. Cuban's concerns were
8 with regard to Company A?

9

[REDACTED]

[REDACTED]

12 Q. Okay. And to -- to your knowledge, was Mr. Cuban
13 concerned that Company A wasn't -- was a fraud or wasn't
14 actually a real company?

15 MR. BOIES: Objection to form.

16 THE WITNESS: It was -- he was concerned
17 that -- that we would -- wouldn't need their product --
18 BY MR. COOK:

19 Q. Okay.

20 A. -- use their product.

21 Q. Okay. Well, take a look at the last sentence in
22 his e-mail to you where it says: But we aren't going to
23 commit to using their technology.

24 Do you see that?

25 A. Yes.

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1 Q. Do you have an understanding as to why Mr. Cuban
2 did not want to commit to using their technology?

3 A. Because he didn't think it would benefit the
4 basketball operations team.

5 Q. What was the nature of their technology?

6 A. [REDACTED]
[REDACTED]
[REDACTED]

9 Q. Okay. Was his concern that the technology
10 actually didn't exist, or it just wasn't functional for
11 the Mavericks purposes?

12 A. It didn't -- that it wouldn't benefit our team;
13 it wouldn't work for us.

14 Q. But he was willing to advertise for this company,
15 correct?

16 A. Yes.

17 Q. Okay. When you testified earlier about playoffs
18 fees -- do you remember that testimony?

19 A. Yes.

20 Q. -- what is the purpose of a playoff fee?

21 A. That they pay additional funds for additional
22 games.

23 Q. Okay. And why are they paying for -- paying
24 additional funds beyond what's agreed to specifically in
25 the agreement -- Sponsorship Agreement?

1 A. Because playoff games are additional assets.

2 Q. Okay. So the Sponsorship Agreement and the
3 amount agreed to there covers the regular season?

4 A. Correct.

5 Q. And if the team happens to go to the playoffs,
6 they get additional games?

7 A. Correct.

8 Q. And additional promotional activities during
9 those home games for the playoffs?

10 A. Correct.

11 MR. BOIES: Objection to form.

12 BY MR. COOK:

13 Q. You testified earlier about something called the
14 Opportunity Fund?

15 A. Yes.

16 Q. That's found in the Sponsorship Agreement?

17 A. Correct.

18 Q. Let's take a look at that. If you look at
19 Exhibit 7; should be in your stack there.

20 And if you turn to page -- it's back at the
21 back in the exhibit.

22 A. Yep.

23 Q. Do you see the section for Opportunity Fund?

24 A. Yes, page 855.

25 Q. Okay. What is the purpose of the Opportunity

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1 Fund?

2 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13 BY MR. COOK:

14 Q. And -- and how would you determine with your
15 sponsors how to use an Opportunity Fund?

16 MR. BOIES: Objection to form.

17 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21 BY MR. COOK:

22 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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1 MR. BOIES: Objection to form.

2 THE WITNESS: Yes. We come up with a lot of
3 ideas. Some materialize, and some do not.

4 BY MR. COOK:

[illegible]

18 BY MR. COOK:

19 Q. We discussed earlier -- you discussed with
20 Mr. Boies the meaning of the word "partner" and
21 "partnership."

22 Do you remember that?

23 A. Yes, many times.

24 Q. So just so I'm clear, when you use the word
25 "partner" or "partnership" in your industry, what does

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1 that mean to you?

2 A. It's a common use of sponsor- -- the two phrases
3 are interchangeable, in a -- in a common -- in a
4 vernacular.

5 Q. Do you have any understanding as to whether
6 Mr. Cuban or the Mavericks were partners with Voyager in
7 any other sense, other than the one you just described?

8 A. No.

9 Q. In any formal legal sense?

10 A. No.

11 Q. You're familiar with the terms of the Sponsorship
12 Agreement, correct?

13 A. Correct.

14 Q. In fact, I believe you testified earlier that it
15 was your recollection that in the Sponsorship Agreement it
16 states expressly that Voyager is not a partner with the
17 Mavericks?

18 MR. BOIES: Objection to the form.

19 BY MR. COOK:

20 Q. Was that your testimony?

21 A. Yes. It is outlined in here that they are a
22 sponsor and not a partner.

23 Q. Take a look at Section 14.01; it's on page 2849.

24 [REDACTED] [REDACTED]
[REDACTED]

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[REDACTED]

17 BY MR. COOK:

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[REDACTED]

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BY MR. COOK:

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Q. Did anyone at the Mavericks, to your knowledge, receive Voyager's public company filings before they were publicly available?

A. No.

Q. You testified that you understood Voyager was a public company, correct?

A. Yes.

Q. Okay. Did the Mavericks play any role in how

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1 Voyager conducted its internal business operations?

2 A. No.

3 Q. To your knowledge, did the Mavericks make any
4 hiring decisions for Voyager?

5 MR. BOIES: Objection to form.

6 THE WITNESS: No.

7 BY MR. COOK:

8 Q. Did they make any termination decisions for
9 Voyager?

10 MR. BOIES: Objection to form.

11 THE WITNESS: No.

12 BY MR. COOK:

13 Q. Did the Mavericks have authority to make any
14 decisions on behalf of Voyager, to your knowledge?

15 A. No.

16 Q. To your knowledge, did the Mavericks or any
17 representative of the Mavericks ever publicly state that
18 they did have authority to make decisions on behalf of
19 Voyager?

20 MR. BOIES: Objection to form.

21 THE WITNESS: No.

22 BY MR. COOK:

23 Q. And -- and how about with regard to the
24 Mavericks, did -- to your knowledge, did Voyager ever play
25 any role in how the Mavericks was operated?

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1 MR. BOIES: Objection to form.

2 THE WITNESS: No.

3 BY MR. COOK:

4 Q. Did Voyager ever make any hiring or firing
5 decisions for the Mavericks?

6 MR. BOIES: Objection to form.

7 THE WITNESS: No.

8 BY MR. COOK:

9 Q. Did they have the authority to do so, to your
10 knowledge?

11 A. No.

12 Q. Did Voyager have the authority to make any
13 decisions at all concerning the business operations of the
14 Mavericks?

15 MR. BOIES: Objection to form.

16 THE WITNESS: No.

17 BY MR. COOK:

18 Q. And to your knowledge, did Voyager ever state
19 publicly that they did have authority to make decisions on
20 behalf of the Mavericks?

21 MR. BOIES: Objection to form.

22 THE WITNESS: No.

23 BY MR. COOK:

24 Q. Do you know who signed the Sponsorship Agreement
25 on behalf of Voyager?

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1 A. I believe -- on behalf of Voyager?

2 Q. Yes.

3 A. I believe it was Steve.

4 Q. And do you know in what capacity he signed it?

5 Was it as a CEO?

6 A. I believe so.

7 Q. And do you know who signed the Sponsorship

8 Agreement on behalf of the Mavericks?

9

[REDACTED]

[REDACTED]

[REDACTED]

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Q. Okay. And I'm going to hand you what's been
marked as Defendant's Exhibit -- Tapply Exhibit No. 1.

Do you have that in front of you?

A. Yes.

(Tapply 1 was marked for identification.)

BY MR. COOK:

Q. Is this a -- well, do you recognize the document?

A. Yes.

Q. What is it?

A. It appears to be a Voyager page that you use to
create an account.

Q. Okay. When you download the Voyager app, do you
have to go through a process to sign up to create an

1 account?

2 A. Yes.

3 Q. Is this one of the pages or screens that you see
4 as part of that process?

5 A. Yes.

6 Q. Okay. And as part of the process of signing up
7 to open a Voyager account, do you have to click that box
8 there in the middle that says, "By creating an account,
9 you agree to our terms"?

10 A. Yes.

11 MR. BOIES: Objection to form.

12 BY MR. COOK:

13 Q. And if you look at the word "terms," you see it's
14 bolded and -- and -- and -- is that a hyperlink --

15 MR. BOIES: Objection to form.

16 BY MR. COOK:

17 Q. -- within the app?

18 A. Yes.

19 Q. And if you click on that link, does it take you
20 to the terms and conditions?

21 A. Yes.

22 Q. Okay. Did you actually read the terms and
23 conditions?

24 A. No.

25 Q. But you agreed to it?

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1 A. Yes.

2 Q. What was your understanding of your commitment to
3 the terms and conditions by checking that box?

4 A. That I was responsible for my actions.

5 Q. Were you bound by the terms and conditions --

6 MR. BOIES: Objection to form.

7 BY MR. COOK:

8 Q. -- to your -- was that your understanding?

9 A. Yes.

10 Q. I'm going to hand you what's been marked as
11 Tapply Exhibit No. 3.

12 MR. BEST: I'll let you have both of them.

13 MS. WOLKINSON: Sorry.

14 THE WITNESS: Yes.

15 MR. COOK: Actually, it's the same one.

16 Yep.

17 [Inaudible discussion.]

18 MR. COOK: It's not that one. Yes, that's
19 the one.

20 MR. BEST: Okay. This is what I have.

21 MR. COOK: 3, and then 2 -- 2. There we go.
22 Sorry about that.

23 (Tapply 2 was marked for identification.)

24 BY MR. COOK:

25 Q. Tapply Exhibit No. 2 is in front of you?

1 A. Yes.

2 Q. You recognize this document?

3 A. Yes.

4 Q. What is it?

5 A. It's an order history -- it's an account of all
6 of my orders on Voyager since I've opened the account.

7 Q. Okay. And does this reflect your buy and sell
8 history of the various cryptocurrencies on -- offered by
9 Voyager?

10 A. Yes.

11 Q. Okay. And if you scroll -- scroll -- if you go
12 to the first page of the document, the last page, the
13 earliest in time --

14 A. Yep.

15 Q. -- when was your first purchase on your Voyager
16 account?

17 A. My first purchase was October 30th of 2021.

18 Q. And do you recognize what you purchased? Do you
19 remember what that is?

20 A. I don't know what BAT was. But I -- yes, they
21 were tokens.

22 Q. Why did you open a Voyager account?

23 A. My neighbor was involved in -- in this crypto
24 space, and he piqued my interest, and it was something new
25 and -- something new to learn and try and experience.

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1 Q. Who made the decision for you to open your
2 Voyager account?

3 A. I did.

4 Q. Going to hand you what's been marked as Tapply 4.
5 (Tapply 4 was marked for identification.)

6 BY MR. COOK:

7 Q. You recognize that document?

8 A. I do.

9 Q. What is it?

10 A. It is how much I've lost as of July 5th, whenever
11 the claim.

12 Q. July 5th, 2022?

13 A. Correct.

14 Q. And when you suffered these losses, Mr. Tapply,
15 did -- did you sue your neighbor?

16 A. No.

17 Q. Why not?

18 A. Because I made these decisions on my own.

19 Q. What about Mark Cuban? Did you sue Mark Cuban?

20 A. I did not.

21 Q. Why?

22 A. Because I made these decisions on my own.

23 Q. Did you sue anybody in connection with this
24 nearly [REDACTED] in loss?

25 A. Nope.

1 Q. Why?

2 A. Because I'm responsible for my actions, and these
3 were my decisions.

4 Q. Who do you blame for your losses?

5 A. I blame myself. My wife blames me.

6 MR. COOK: I don't have any further
7 questions. Just note for the record the documents are
8 confidential and protected by the protective order, the
9 new documents I produced today.

10 MR. BOIES: Yes. The --

11 MR. COOK: We'll -- we'll tag them
12 appropriately going forward.

13 MR. BOIES: Okay. And -- and she will have
14 these copies to be able to distribute widely? I don't
15 need to be the one to distribute these?

16 MR. COOK: No, you don't need to distribute
17 those. And --

18 MR. BOIES: Meaning -- meaning within our --
19 within our confidential -- people protected by the
20 confidential order.

21 MR. BEST: Right.

22 MR. BOIES: Okay. Great.

23 I have no -- I have no further -- I have --

24 MR. BEST: Hello?

25 MR. BOIES: Sorry. One second. Just give

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1 me one second.

2 RE-EXAMINATION

3 BY MR. BOIES:

4 Q. Your -- your first trade here was October 30th.
5 How many days after the -- the press release was this?

6 A. Two.

7 Q. Were there any trades prior to this?

8 A. That's my first trade on Voyager.

9 Q. On Voya- -- on Voyager.

10 But you had previously said that you had a
11 BlockFi account; is that correct?

12 A. Correct.

13 Q. Okay. Have you done -- been able to do anything
14 to get this claim for [REDACTED] back?

15 A. As of right now, I have not been able to do
16 anything.

17 Q. Are there any actions that you've taken --

18 A. No.

19 Q. -- whatsoever?

20 A. No.

21 MR. COOK: Object to form.

22 THE WITNESS: I have not.

23 BY MR. BOIES:

24 Q. Have you followed the bankruptcy in -- in
25 Delaware that they are a part of?

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